

CITY OF MARGATE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, PROVIDING FOR A SIX MONTH EXTENSION OF THE EXISTING SIX MONTH MORATORIUM APPROVED BY ORDINANCE 2016-11 ON NOVEMBER 2, 2016 FOR THE APPROVAL OF ANY MEDICAL MARIJUANA DISPENSARY AND/OR SIMILAR TYPE OF BUSINESSES WITHIN THE CITY OF MARGATE; PROVIDING FOR CLARIFICATION FROM THE LEGISLATURE FOR DEFINITIONS AND USE CLASSIFICATIONS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 2, 2016, the City Commission of the City of Margate passed Ordinance 2016-11, enacting a six month moratorium for the approval of any medical marijuana dispensary and/or similar type of business in anticipation of Amendment 2 on the November 8, 2016 election ballot; and

WHEREAS, on November 8, 2016, voters in the State of Florida approved a proposed constitutional amendment regarding legalization of the use of medical marijuana in the State of Florida; and

WHEREAS, the State Legislature will be providing further clarification regarding the definitions and use classifications, and further guidance associated with medical marijuana dispensaries and regulation authority of municipalities; and

WHEREAS, the City Commission finds that it is necessary to continue to wait until further clarification by the State Legislature before approving medical marijuana dispensaries and similar type businesses in the City; and

WHEREAS, the City Commission finds that this Ordinance is necessary for the preservation of the public

1 health, safety and welfare of the City's residents.

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3 NOW, THEREFORE, BE IT ORDAINED BY THE CITY
4 COMMISSION OF THE CITY OF MARGATE, FLORIDA:

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6 **SECTION 1:** That the City Commission deems it to
7 be in the best interest of the health, safety, and
8 welfare of the citizens of the City of Margate that a six
9 month extension on an existing six month moratorium be
10 imposed on all real property within the City of Margate
11 pertaining to the approval of any medical marijuana
12 dispensary, or similar type business as described above,
13 including Local Business Tax Receipts, Certificates of
14 Occupancy, or any other development approval.

15 **SECTION 2:** All ordinances or parts of ordinances
16 in conflict herewith are repealed to the extent of such
17 conflict.

18 **SECTION 3:** If any section, sentence, clause, or
19 phrase of this Ordinance is held to be invalid or
20 unconstitutional by a court of competent jurisdiction,
21 then said holding shall in no way affect the validity of
22 the remaining portions of this Ordinance.

23 **SECTION 4:** This Ordinance shall become effective
24 immediately upon adoption at its second reading.

25 PASSED ON FIRST READING THIS 3rd day of MAY, 2017.

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27 PASSED ON SECOND READING THIS 17TH day of MAY, 2017.
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1 ATTEST:

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4 _____
5 JOSEPH J. KAVANAGH
6 CITY CLERK

MAYOR TOMMY RUZZANO

7
8 *RECORD OF VOTE - 1ST READING* *RECORD OF VOTE - 2ND READING*

9
10 Caggiano NO
11 Simone YES
12 Peerman YES
13 Schwartz YES
14 Ruzzano NO

Caggiano _____
Simone _____
Peerman _____
Schwartz _____
Ruzzano _____