

CITY OF MARGATE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, PROVIDING FOR A FOUR MONTH EXTENSION OF THE EXISTING SIX MONTH MORATORIUM APPROVED BY ORDINANCE 2017-7 ON MAY 17, 2017, FOR THE APPROVAL OF ANY MEDICAL MARIJUANA DISPENSARY AND/OR SIMILAR TYPES OF BUSINESSES WITHIN THE CITY OF MARGATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 2, 2016, the City Commission 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, on June 23, 2017, Florida Senate Bill 8A was approved by Governor Rick Scott. This bill preempts local government regulation of medical marijuana cultivation, processing, and delivery; and

WHEREAS, the state preemption allows municipalities to ban medical marijuana treatment center dispensing facilities from being located within municipal boundaries. Alternatively, if a municipality chooses to allow medical marijuana treatment center dispensing facilities, then said municipality may not place specific limits on the number of dispensing facilities that may locate within that municipality, and said municipality may not enact ordinances for permitting or for determining the location of dispensing facilities which are more restrictive than its ordinances permitting or determining the locations for pharmacies licensed under Chapter 465, Florida Statutes; and

1 **WHEREAS,** the City Commission finds that this
2 Ordinance is necessary for the preservation of the public
3 health, safety and welfare of the City's residents.
4

5 NOW, THEREFORE, BE IT ORDAINED BY THE CITY
6 COMMISSION OF THE CITY OF MARGATE, FLORIDA:
7

8 **SECTION 1:** That the foregoing "**WHEREAS**" clauses
9 are ratified and confirmed as being true and correct and
10 are incorporated herein.

11 **SECTION 2:** That the City Commission deems it to
12 be in the best interest of the health, safety, and
13 welfare of the citizens of the City of Margate that a
14 four month extension of the existing six month moratorium
15 be imposed on all real property within the City of
16 Margate pertaining to the approval of any medical
17 marijuana dispensary, or similar type business as
18 described above, including Local Business Tax Receipts,
19 Certificates of Occupancy, or any other development
20 approval.
21

22 **SECTION 3:** All ordinances or parts of ordinances
23 in conflict are repealed to the extent of such conflict.

24 **SECTION 4:** If any section, sentence, clause, or
25 phrase of this Ordinance is held to be invalid or
26 unconstitutional by a court of competent jurisdiction,
27 then said holding shall in no way affect the validity of
28 the remaining portions of this Ordinance.

SECTION 5: This Ordinance shall become effective immediately upon adoption at its second reading.

Section 6: This Ordinance shall sunset four months from the effective date, or when appropriate regulations have been adopted into the Margate Code of Ordinances, whichever occurs sooner.

PASSED ON FIRST READING THIS ____ day of NOVEMBER, 2017.

PASSED ON SECOND READING THIS ____ day of _____, 2017.

ATTEST:

JOSEPH J. KAVANAGH
CITY CLERK

MAYOR TOMMY RUZZANO

RECORD OF VOTE - 1ST READING RECORD OF VOTE - 2ND READING

Caggiano _____
Simone _____
Peerman _____
Schwartz _____
Ruzzano _____

Caggiano _____
Simone _____
Peerman _____
Schwartz _____
Ruzzano _____