

CITY OF MARGATE, FLORIDA

ORDINANCE NO. 2017-23

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 CONFLICT; 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 Ordinance
2 is necessary for the preservation of the public health, safety
3 and welfare of the City's residents.
4

5 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION
6 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 are
10 incorporated herein.

11 **SECTION 2:** That the City Commission deems it to be
12 in the best interest of the health, safety, and welfare of the
13 citizens of the City of Margate that a four month extension of
14 the existing six month moratorium, approved by the City
15 Commission pursuant to City Ordinance 2017-7 on May 17, 2017,
16 be imposed on all real property within the City of Margate
17 pertaining to the approval of any medical marijuana
18 dispensary, or similar type business as described above,
19 including Local Business Tax Receipts, Certificates of
20 Occupancy, or any other development approval.
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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, then
27 said holding shall in no way affect the validity of the
28 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 15TH day of NOVEMBER, 2017.

PASSED ON SECOND READING THIS 6th day of DECEMBER, 2017.

ATTEST:

JOSEPH J. KAVANAGH
CITY CLERK

MAYOR ARLENE R. SCHWARTZ

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

Caggiano	<u>NO</u>	Peerman	_____
Simone	<u>YES</u>	Simone	_____
Peerman	<u>YES</u>	Ruzzano	_____
Schwartz	<u>YES</u>	Caggiano	_____
Ruzzano	<u>YES</u>	Schwartz	_____