

ORDINANCE NO. 4090

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ENACTING A MORATORIUM FOR UP TO ONE-YEAR AS TO THE FILING, RECEIVING AND PROCESSING OF ANY APPLICATION OR PERMIT FOR THE ESTABLISHMENT, DEVELOPMENT OR OPERATION OF A MEDICAL MARIJUANA DISPENSARY OR MEDICAL MARIJUANA TREATMENT CENTER AS DEFINED HEREIN, PROVIDING FOR THE BOUNDARIES SUBJECT TO THE MORATORIUM; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on June 16, 2014, Florida's Governor signed into law the Compassionate Medical Cannabis Act of 2014 which legalized medical use of low-THC cannabis (marijuana) for cancer or a physical medical condition that chronically produces symptoms of seizure such as epilepsy, or severe and persistent muscle spasms; and

**WHEREAS**, the Compassionate Medical Cannabis Act of 2014 provides that effective January 1, 2015, a physician may prescribe for patients' medical use low-THC cannabis to treat the limited range of medical conditions described in the Act; and

**WHEREAS**, on November 8, 2016, Florida voters approved an amendment to the Florida Constitution that legalized the use of medical marijuana and authorized the cultivation, processing, distribution and sale of marijuana for expanded medical purposes throughout the State; and

**WHEREAS**, the City of Riviera Beach's Code of Ordinances and Land Development Regulations are silent regarding requirements for the use of real property for medical marijuana dispensaries and medical marijuana treatment centers, due to the historical prohibition against marijuana use for any lawful purpose; and

**WHEREAS**, local and regional impacts resulting from the amendment to the Florida Constitution legalizing medical marijuana is unknown, requiring further review and analysis by City staff; and

**WHEREAS**, City Staff is requesting a moratorium for up to one-year for medical marijuana dispensary or medical marijuana treatment center uses to further study and resolve the potential differences between the Compassionate Medical Cannabis Act of 2014 and the constitutional ballot initiative on medical marijuana use, to analyze potential effects and impacts of a medical marijuana dispensary or medical marijuana treatment center use on crime and neighborhood character and integrity within the City, and to evaluate if special standards or conditions for a medical marijuana dispensary or medical marijuana treatment center use should be incorporated into the City's Code of Ordinances and Land Development Regulations; and

**WHEREAS**, it is the intention of the City Council to direct staff to analyze the impacts of the medical marijuana amendment; to determine what additional standards should be incorporated into the City's Code of Ordinances and Land Development Regulations; to research the potential effects and impacts of medical marijuana dispensaries and medical marijuana treatment centers on criminal activity and neighborhood character and integrity; to determine how best to formulate regulations applicable to such use; and evaluate the process for the review and issuance of land development and land use permits, certificates of use, business tax receipts, or other approvals regulating the location or operation of a medical marijuana dispensary or treatment center within the City, which would further and promote the public health, safety, and general welfare; and

**WHEREAS**, the City has complied with applicable public notice procedures set forth in Section 166.041, Florida Statutes; and

**WHEREAS**, the City Council has determined that the enactment of a one-year moratorium on the establishment, development or operation of medical marijuana dispensaries and medical marijuana treatment centers is in the best interests of the health, safety and welfare of the City's residents and stakeholders.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:**

**SECTION 1. Legislative Findings, Intent and Purpose.** The foregoing recitals are ratified as true and correct and are incorporated herein. It is the purpose and intent of this Ordinance to promote the health, safety and general welfare of the residents and businesses of the City through the analysis of potential impacts from a medical marijuana dispensary or medical marijuana treatment center use and through consideration of criteria for the regulation of location and operation of a medical marijuana dispensary or medical marijuana treatment center use within the City.

**SECTION 2. Definition.** For the purposes of this Ordinance, a medical marijuana dispensary or medical marijuana treatment center shall be defined as, a location, place, object or entity used to cultivate, process, dispense, distribute or sell legal marijuana (cannabis), which includes the development or sale of a product or equipment associated with the use of legal marijuana, and a location or place where legal marijuana is used in the management and care of a patient to combat a disease or disorder.

**SECTION 3. Boundaries.** This Ordinance shall apply to all property and land area within the jurisdictional boundary of the City of Riviera Beach.

**SECTION 4. Moratorium and Direction to Staff.** The City Council hereby enacts a temporary moratorium for up to one-year, prohibiting the filing, receiving or

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processing of any application or permit for the establishment, development or operation of a medical marijuana dispensary or a medical marijuana treatment center, in whole or in part, within the City. Staff is hereby directed to analyze the effects of a medical marijuana dispensary or medical marijuana treatment center in the City, to analyze whether standards should be incorporated into the City's Code of Ordinances and Land Development Regulations, and to evaluate the process for the review and issuance of land use and land development permits, certificates of use, business tax receipts, or other approvals regulating the location of a medical marijuana dispensary or medical marijuana treatment center within the City, which would further and promote the public health, safety, morals and general welfare. Staff is directed to bring before the City Council with deliberate speed a proposed ordinance regarding regulations pertaining to a medical marijuana dispensary and medical marijuana treatment center use at the earliest opportunity possible within one-year of the adoption of this Ordinance.

**SECTION 5. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 6. Repeal of laws in conflict.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.


**SECTION 7. Effective Date.** This Ordinance shall take effect immediately upon final approval and adoption.


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PASSED AND APPROVED on the first reading this 7TH day of  
December, 20 16.

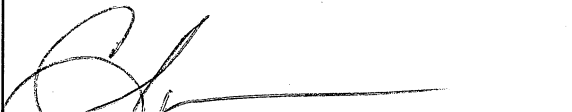
PASSED AND ADOPTED on second and final reading this 21st day of  
December, 20 16.

APPROVED:

  
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THOMAS A. MASTERS  
MAYOR


  
\_\_\_\_\_  
TERENCE D. DAVIS  
CHAIRPERSON


ATTEST:

  
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CLAUDENE L. ANTHONY  
CERTIFIED MUNICIPAL CLERK  
CITY CLERK

  
\_\_\_\_\_  
KASHAMBA L. MILLER-ANDERSON  
CHAIR PRO TEM

  
\_\_\_\_\_  
LYNNE L. HUBBARD  
COUNCILPERSON

  
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TONYA DAVIS JOHNSON  
COUNCILPERSON

  
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DAWN S. PARDO  
COUNCILPERSON

1<sup>ST</sup> READING

MOTIONED BY: T. DAVIS JOHNSON

SECONDED BY: D. PARDO

L. HUBBARD AYE

K. MILLER-ANDERSON AYE

T. DAVIS JOHNSON AYE

D. PARDO AYE

T. DAVIS AYE

2<sup>ND</sup> & FINAL READING

MOTIONED BY: K. MILLER-ANDERSON

SECONDED BY: L. HUBBARD

L. HUBBARD AYE

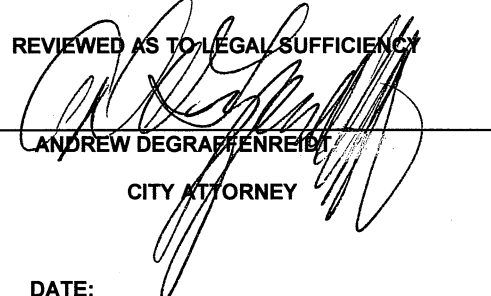
K. MILLER-ANDERSON AYE

T. DAVIS JOHNSON AYE

D. PARDO AYE

T. DAVIS AYE

REVIEWED AS TO LEGAL SUFFICIENCY



\_\_\_\_\_  
ANDREW DEGRAFFENREID  
CITY ATTORNEY

DATE: \_\_\_\_\_