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ORDINANCE NO. 2017-296

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING CHAPTER 12 ENTITLED "LAND DEVELOPMENT CODE" BY SPECIFICALLY CREATING SECTION 12-6 ENTITLED "MEDICAL MARIJUANA DISPENSARIES"; PROVIDING FOR DEFINITIONS; PROVIDING FOR A BAN AGAINST THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSARIES WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF HILLSBORO BEACH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Art. X, § 29, Fla. Const., entitled, "Medical Marijuana production, possession and use," was as passed by the electors of Florida in November 2016 which amended Florida Constitution to allow the use of marijuana in certain medical applications; and,

WHEREAS, during the recent 2017 Special Legislative Session, the Florida Legislature passed Senate Bill 8-A, relating to the Medical Use of Marijuana ("SB-8A"), which implements the provisions of Art. X, § 29, Fla. Const.; and,

WHEREAS, Art. X, § 29, Fla. Const. defines Medical Marijuana Treatment Centers ("MMTCs"), to mean as an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers and is registered by the Department (of Health).

WHEREAS, Governor Scott signed Senate Bill 8-A into law on June 23, 2017, which substantially amends Section 381.986, Florida Statutes, to provide that "a county or municipality may, by ordinance, ban medical marijuana treatment center dispensing facilities from being located within the boundaries of that county or municipality," and,

WHEREAS, the Town Council, under the provisions of Section 381.986(11) desires to enact such a ban which will prohibit MMTCs from establishing dispensaries within the municipal limits of the Town of Hillsboro Beach and thereby protect the health safety and welfare of the residents of Hillsboro Beach and preserve the quality of life for the Town's residents.

1 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE
2 TOWN OF HILLSBORO BEACH, FLORIDA THAT:

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4 Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being
5 true and correct and are hereby made a part of this Ordinance.

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7 Section 2. Chapter 12 of the Code of Ordinances entitled "Land Development Code"
8 is amended to create Section 12-6 which shall read as follows:

9 Section 12-6. MEDICAL MARIJUANA DISPENSARIES.

10 A. Purpose. It is the purpose of this ordinance to ban Medical Marijuana Treatment
11 Centers created under Art. X, § 29 of the Florida Constitution from establishing
12 dispensaries within the municipal limits of the town of Hillsboro Beach and thereby
13 protect the health safety and welfare of the residents of Hillsboro Beach and preserve
14 the quality of life for the Town's residents.

15
16 B. Findings. Based on authority granted to the municipalities in Section 381.986(11)
17 Florida Statutes, the Town Commission finds:

18
19 1) A ban on the establishment of medical marijuana treatment center dispensaries
20 within the Town of Hillsboro Beach is necessary to protect the health, safety,
21 and welfare of the Town residents;

22 C. Medical marijuana treatment centers created pursuant to Art. X, § 29 of the
23 Florida Constitution and licensed by the Florida Department of Health are hereby prohibited
24 from establishing medical marijuana dispensaries within the municipal limits of the Town of
25 Hillsboro Beach:

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27 Section 3. If any section, subsection, sentence, clause or provision of this Ordinance
28 is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

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30 Section 4. That all ordinances or parts of ordinances and all resolutions or parts of
31 resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

32
33 Section 5. It is the intention of the Town Commission of the Town of Hillsboro Beach,
34 that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances
35 of Town of Hillsboro Beach, Florida, and the Sections of this ordinance may be renumbered,
36 re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word
37 or phrase in order to accomplish such intention.

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Section 6. This Ordinance shall be effective immediately upon passage and adoption by the Town Commission of the Town of Hillsboro Beach.

PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF 10
HILLSBORO BEACH, FLORIDA, ON FIRST READING, THIS 13 DAY OF SEP, 2017.
11 JULY, 2017

PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, ON SECOND AND FINAL READING, THIS 13 DAY OF SEP, 2017.

By: Deborah L. Tarrant
Deborah L. Tarrant, Mayor

ATTEST:
By: William "Mac" Serda
William "Mac" Serda, Town Manager

