

**ORDINANCE NO. 17-06**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, ADOPTING DIVISION 16. MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES, CHAPTER 86 ZONING, BANNING MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES WITHIN THE TOWN; PROVIDING AUTHORITY TO CODIFY; PROVIDING A SEVERABILITY CLAUSE, CONFLICTS CLAUSE AND AN EFFECTIVE DATE; AND OTHER PURPOSES.**

**WHEREAS**, on November 8, 2016, Florida voters adopted an amendment to the Florida Constitution (“Amendment 2”) entitled “Use of Marijuana for Debilitating Medical Conditions;” and

**WHEREAS**, Amendment 2 legalizes the medical use of marijuana throughout the State of Florida for individuals with debilitating medical conditions and authorizes the registration and regulation of Medical Marijuana Treatment Centers that cultivate, process, distribute, and sell marijuana products for medical purposes; and

**WHEREAS**, the Florida Legislature recently amended Section 381.986, Florida Statutes, to include verbiage that allows counties or municipalities to ban Medical Marijuana Treatment Center Dispensing Facilities within its boundaries; and

**WHEREAS**, the Town Council finds that it is in the best interest of the Town and its residents to ban Medical Marijuana Treatment Center Dispensing Facilities within the Town’s boundaries to protect the public health, safety, and welfare of the residents of the Town of Lake Clarke Shores.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE CLAKE SHORES, FLORIDA, AS FOLLOWS:**

**SECTION 1.** Division 16. Medical Marijuana Treatment Center Dispensing Facilities of Article VII Supplementary District Regulations of Chapter 86 Zoning of the Code of Ordinances of the Town of Lake Clarke Shores, is hereby created as follows:

**DIVISION 16. MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES**

**Sec. 86-641. Definitions.**

“Medical Marijuana Treatment Center” means 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 Florida Department of Health.

**Sec. 86-642. Ban of Medical Marijuana Treatment Center Dispensing Facilities. Medical Marijuana Treatment Center Dispensing Facilities shall be banned within the boundaries**

of the Town. Nothing in this section shall be construed to prohibit the medical use of marijuana or low-THC cannabis by a qualifying patient pursuant to Florida law.

**SECTION 2. CODIFICATION.** The provisions of this ordinance shall be made a part of the Code of Ordinances of the Town of Lake Clarke Shores, Florida. The sections of this ordinance may be renumbered or lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

**SECTION 3. SEVERABILITY.** If any section, paragraph, sentence, clause, phrase or word of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of the ordinance.


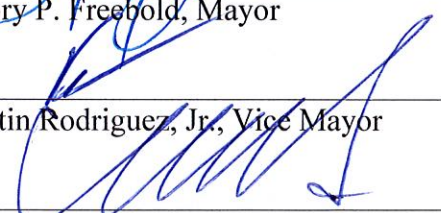
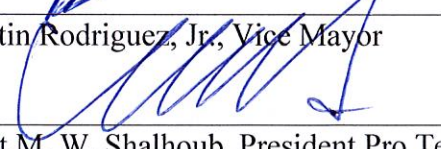
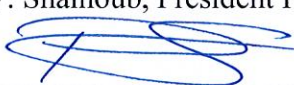

**SECTION 4. CONFLICT.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5. EFFECTIVE DATE.** This ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED the 12<sup>th</sup> day of September, 2017, on first reading.

PUBLISHED the 24<sup>th</sup> day of August, 2017, in the Lake Worth Herald.

PASSED AND ADOPTED this 10<sup>th</sup> day of October, 2017, on second and final reading.

	FOR	AGAINST
By: <u></u> Gregory P. Freebold, Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u></u> Valentin Rodriguez, Jr., Vice Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u></u> Robert M. W. Shalhoub, President Pro Tem	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u></u> Paul R. Shalhoub, Council Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u></u> John Studdard, Council Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ATTESTED:

  
Mary Pinkerman, Town Clerk

Ord. #17-06

Sponsored by the Town Council