

ORDINANCE NO. 443

AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, DECLARING ZONING IN PROGRESS AND IMPOSING A MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF NEW APPLICATIONS FOR THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSING FACILITIES FOR A PERIOD OF 180 DAYS; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Article VIII, Section 2 of the Florida Constitution and Chapter 166 of the Florida Statutes, the Town of Haverhill is authorized and required to protect the public health, safety and welfare of its citizens and has the power and authority to enact regulations for valid governmental purposes that are not inconsistent with general or special law; and

WHEREAS, the public health, safety and welfare is a legitimate public purpose recognized by the courts of Florida; and

WHEREAS, in the 2014 Legislative Session, the Florida Legislature enacted Chapter 2014-157, Laws of Florida, which permits prescription of medical marijuana in very limited circumstances, and provides for a limit of five (5) dispensing organizations in the state, effective January 1, 2015; and,

WHEREAS, a statewide referendum to amend the Florida Constitution to legalize a broader use of medical marijuana to treat a wider class of medical conditions was adopted by the voters on November 8, 2016; and,

WHEREAS, the proposed Constitutional Amendment does not provide information on how medical marijuana prescribed pursuant to its provisions will be cultivated, processed and dispensed; and,

WHEREAS, given the historical legal prohibitions on marijuana, the Town has never had the need to review the potential implications of uses in the Town for uses that would include the production and distribution of marijuana, although the Town did impose a moratorium in 2014 when a Constitutional Amendment was proposed on the general election ballot but failed to garner the requisite number of votes; and,

WHEREAS, in addition to the need for state laws and regulations relative to the Constitution Amendment approved by the voters in 2016, the Town will need to review uses involving the cultivation, processing and dispensing of medical marijuana in the context of the Town's land development regulations, and the scope and content of such review will be dictated by adopted state legislation and rules; and,

WHEREAS, based upon the above facts and recommendations from Town Administration, the Town Council deems it necessary and to be in the best interests of the health, safety, and welfare of the citizens and residents of the Town of Haverhill, to impose a moratorium on the approval of any new applications or the issuance of any new licenses for uses that involve the cultivation, processing and dispensing of medical marijuana for a period of 180 days; and;

WHEREAS, the adoption of this Ordinance will further the health, safety and welfare of the citizens of the Town of Haverhill.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance. These clauses represent the legislative findings of the Town Council. It is the purpose and intent of this Ordinance to promote the health, safety and welfare of the residents of Haverhill. It is also the purpose of this ordinance to

preserve the status quo and enable sufficient time to review, study, hold public hearings, and prepare and adopt and amendment or amendments to the Code of Ordinances for the Town of Haverhill relating to appropriate locations and restrictions for medical marijuana dispensing facilities, if any.

Section 2. Moratorium Declared. The Town Council hereby declares a zoning in progress and imposes a moratorium on the acceptance, processing and/or approval of any applications or the issuance of any new permits for facilities that involve the cultivation, processing and/or dispensing of medical marijuana, until July 25, 2017. This moratorium is not intended to impair the practice of medicine by duly licensed physicians and shall not be interpreted inconsistent with any state preemptions. During the term of the moratorium, the Town shall not accept, review or process any applications for licenses or permits for facilities dispensing medical marijuana; and if an application has been submitted, it shall not be processed and/or approved by the Town. The moratorium may be extended by the Town Council by subsequent ordinance should additional time be needed by the Town for the adoption of appropriate land development regulations once all state laws and regulations have been adopted and are effective.

Section 3. Severability. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 4. Conflicts. All ordinances or parts of ordinances, resolutions or part of resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

Section 7. Effective Date. This ordinance shall take effect immediately upon its passage.

FIRST READING this 15th day of December, 2016.

THE SECOND AND FINAL READING was held this 26th day of January, 2017. Council member MARK UPTEGRAPH offered the foregoing Ordinance, and moved its adoption. The Motion was seconded by Council member LAWRENCE GORDON, and upon being put to a vote, the vote was as follows:

JAY G. FOY, Mayor	<u>AYE</u>
LAWRENCE GORDON, Vice Mayor	<u>AYE</u>
MARK C. UPTEGRAPH, Council Member	<u>AYE</u>
JO H. PLYLER, Council Member	<u>ABSENT</u>
REMAR HARVIN, Council Member	<u>AYE</u>

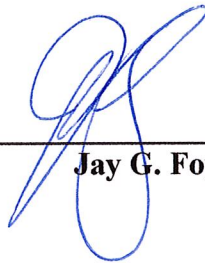
The Mayor thereupon declared this Ordinance approved and duly adopted by the Town Council of the Town of Haverhill, Florida.

Attest:

TOWN OF HAVERHILL, FLORIDA



Janice C. Rutan, Town Admin.



Jay G. Foy, Mayor

The Palm Beach Post

Palm Beach Daily News



TOWN OF HAVERHILL NOTICE OF PUBLIC HEARING ON TOWN CODE AMENDMENTS

NOTICE IS HEREBY GIVEN OF THE PUBLIC HEARING to be held on the following proposed Ordinance at the Town Hall, 4585 Charlotte Street, Town of Haverhill, Florida, on the following date and time and before the Town Council:

- **Thursday, January 26, 2017**
7:00 p.m. Adoption of ordinances

The Ordinances in their entirety may be inspected at the office of the Town Administrator, 4585 Charlotte Street, Haverhill, Florida between the hours of 7:30 a.m. and 4:00 p.m., Monday through Friday, except legal holidays. All interested parties are invited to attend and be heard with respect to the proposed Ordinances. The following Ordinance may be postponed or withdrawn, or the public hearing continued, without prior notice.

PLEASE TAKE NOTICE AND BE ADVISED that if any interested person desires to appeal any decision made by the Town Council with respect to any matter considered at such meetings or hearings, such person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The Town does not prepare or provide such a record. The following ordinances, or any one of them, may be postponed or withdrawn without prior notice. In accordance with the provisions of the American with Disabilities Act (ADA), this document can be made available in an alternate format (large print) upon request, and special accommodations can be provided upon request with three (3) days advance notice. Persons who need an accommodation in order to attend or participate in this meeting should contact the Town Administrator at (561) 689-0370 in order to request such assistance.

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PUB: The Palm Beach Post
1-15/2017 #691855

Signed

Sworn to and subscribed before 01/18/2017.

Who is personally known to me.

TOWN OF HAVERHILL PROOF OF PUBLICATION
STATE OF FLORIDA COUNTY OF PALM BEACH
Before the undersigned authority personally appeared Tiffani Everett, who on oath says that she is Call Center Legal Advertising Representative of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for a Notice was published in said newspaper on First date of Publication 01/15/2017 and last date of Publication 01/15/2017 Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. Also published in Martin and St. Lucie Counties.
Notice of Public hearing Ad ID: 1355901 Ad Cost: 244.24



HEATHER HART
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
June 23, 2020