

ORDINANCE NO. 453

AN ORDINANCE OF THE TOWN OF HAVERHILL, FLORIDA, EXTENDING ORDINANCE NO. 443 DECLARING ZONING IN PROGRESS AND IMPOSING A MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF NEW APPLICATIONS FOR THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSING FACILITIES UNTIL APRIL 27, 2018; 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, the Town of Haverhill adopted Ordinance No. 443 declaring a zoning in progress and imposing 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; and

WHEREAS, said Ordinance No. 443, was extended until October 27, 2017 pursuant to Ordinance No. 451; and

WHEREAS, the Florida Legislature adopted SB 8A in its special session ending on June 9, 2017, which bill addresses a myriad of land use and zoning issues relating to medical marijuana, and many municipalities, the work product on which a small town like Haverhill relies upon, are now adopting zoning and land use regulations; 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 continue the zoning in progress and moratorium until April 27, 2018, in order to allow the Town adequate time to study the new legislation and consider the drafting of new ordinances regarding same, especially in light of the size and resources of the Town of Haverhill, and the very limited commercial area available; 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. In addition, the provisions of Ordinance No. 443 are incorporated herein by reference. 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 Extended. The Town Council hereby extends the zoning in progress and moratorium as provided in Ordinance No. 443 until April 27, 2018, which Ordinance may be further extended by resolution of the Town Council, without the necessity of adopting an ordinance.

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 12th day of October, 2017.

THE SECOND AND FINAL READING was held this 26th day of October, 2017. Council member Remar Harvin 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
LAWRENCE GORDON, Vice Mayor
MARK C. UPTGRAPH, Council Member
JO H. PLYLER, Council Member
REMAR HARVIN, Council Member

Aye
Aye
Aye
ABSENT
Aye

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