

ORDINANCE NO. 461

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 TREATMENT FACILITIES, INCLUDING DISPENSING FACILITIES, UNTIL SEPTEMBER 28, 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, the Department of Health is still in the process of promulgating rules relating to the Medical Use of Marijuana, and more specifically, Medical Marijuana Treatment Centers; 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 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 until September 28, 2018, in order to allow the Town sufficient time to determine whether it will ban or not ban dispensing facilities within the Town, and if they are not banned, what regulations and standards should be imposed and;

WHEREAS, the adoption of this Ordinance will further the health, safety and welfare of the citizens of the Town of Haverhill, and given the size of the Town, and the very small section of area within the Town designated for retail sales, the impact to commerce will be very limited:

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

Section 1. Recitals. 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 an 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, or to consider a ban of such facilities.

Section 2. Moratorium Declared and Extended. The Town Council hereby declares a zoning in progress and imposes a moratorium on the acceptance, processing, consideration and/or approval of any applications or the issuance of any new permits or licenses for facilities that involve the cultivation, processing and/or dispensing of medical marijuana, including Medical Marijuana Treatment Centers as defined in Sec. 381.986(8), Fla. Stat., until September 28, 2018. 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. Moreover, this moratorium is not intended to limit or restrict the Medical Use (as defined by Sec. 381.986 (1)(j), Fla. Stat.) of marijuana by any resident of the Town of Haverhill. 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,

including Medical Marijuana Treatment Centers as defined by Sec. 381.986(8), Fla. Stat. This 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 5. Effective Date. This ordinance shall take effect immediately upon its passage.

FIRST READING this 12th day of April, 2018.

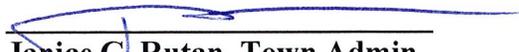
THE SECOND AND FINAL READING was held this 26th day of April, 2018. Council member **REMAR HARVIN** offered the foregoing Ordinance, and moved its adoption. The Motion was seconded by Vice Mayor **LAWRENCE GORDON** and upon being put to a vote, the vote was as follows:

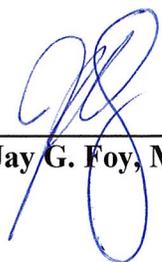
JAY G. FOY, Mayor	AYE
LAWRENCE GORDON, Vice Mayor	AYE
MARK C. UPTGRAPH, Council Member	ABSENT
REMAR HARVIN, Council Member	AYE
DANIEL H. SOHN, Council Member	AYE

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