

**ORDINANCE NO. 02014-45**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WILDWOOD, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM ON THE SUBMITTAL, PROCESSING, AND ISSUANCE OF LOCAL BUSINESS TAX RECEIPTS OR LAND USE MODIFICATIONS OR APPROVALS FOR MARIJUANA DISPENSING ORGANIZATIONS OR MEDICAL MARIJUANA TREATMENT CENTERS FOR A PERIOD OF TWO HUNDRED EIGHTY (280) DAYS FROM THE DATE OF ADOPTION OF THIS ORDINANCE; PROVIDING FOR LEGISLATIVE FINDINGS; THE GEOGRAPHIC AREA COVERED; REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Florida Right to Medical Marijuana Initiative is on the November 4, 2014 ballot as Amendment 2 under the title "Use of Marijuana for Certain Medical Conditions," and, if it passes, would become Section 29 to Article X of the Florida Constitution; and,

WHEREAS, passage of Amendment 2 would legalize the medical use of marijuana, allow for the creation of medical marijuana treatment centers, and allow for licensed caregivers to dispense medical marijuana; and,

WHEREAS, Amendment 2 directs the Florida Department of Health to promulgate regulations for the registration of medical marijuana treatment centers, and to establish procedures for the issuance of patient and personal caregiver identification cards; and,

WHEREAS, the City of Wildwood regulates the use of land within the City of Wildwood in accordance with the Future Land Use Map designations in the Comprehensive Plan and the Land Development Regulations; and,

WHEREAS, the use, cultivation and dispensation of medical marijuana is currently illegal in the state of Florida, other than low-THC cannabis authorized under the Florida Compassionate Medical Cannabis Act of 2014 at Florida Statutes Section 381.986; and,

WHEREAS, the City of Wildwood does not have definitions or regulations in either the Comprehensive Plan or the Land Development Regulations related to the use of real property for purposes of cultivating, processing, distributing, selling, or using

medical marijuana, or any activities related to or uses of medical marijuana permitted under Amendment 2; and

WHEREAS, the City of Wildwood desires to wait to pass regulations concerning activities related to or uses of medical marijuana permitted under Amendment 2 until Amendment 2 passes, and until the Florida Department of Health promulgates all appropriate regulations, so that the City of Wildwood has time to review applicable regulations for the avoidance of regulatory conflict; and

WHEREAS, the City of Wildwood desires to protect the public health, safety and welfare of the City of Wildwood by reviewing the impact of Amendment 2 and all applicable Florida Department of Health regulations prior to modifying the Comprehensive Plan or the Land Development Regulations.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the City Commission of Wildwood, Florida, as follows:

**Section 1. Legislative Findings.**

That the above recitals are true and correct and are incorporated herein by reference.

**Section 2. Intent and Purpose.**

The intent and purpose of this Ordinance is to provide the City of Wildwood with the opportunity to review the impact of a constitutional amendment legalizing medical marijuana and the impact of Department of Health regulations that have yet to be enacted prior to modifying the City of Wildwood Comprehensive Plan and Land Development Regulations.

**Section 3. Definitions.**

For the purpose of this ordinance, following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

*Marijuana* has the meaning given cannabis in Section 893.02 (3), Florida Statutes (2013).

*Medical Marijuana Treatment Center* means any 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 any person or their personal caregiver.

*Medical Marijuana Dispensary* means any person or entity that acquires, cultivates, possesses, processes, transfers, transports, sells, distributes, dispenses, or administers marijuana or related supplies pursuant to any Florida statute.

*Personal Caregiver* means a person who has agreed to assist with another person's use of marijuana, including any person who obtains a caregiver identification card issued by the Florida Department of Health.

#### **Section 4. Moratorium Imposed.**

The City of Wildwood hereby prohibits the operation of any medical marijuana facility in any area subject to the jurisdiction of the City of Wildwood and a moratorium is declared effective as follows:

1. The City of Wildwood shall not accept, process or approve any application for business tax receipts, licenses, building permits, land use permits, or any development permits concerning or related to a medical marijuana treatment center, medical marijuana dispensary, personal caregiver or any other

marijuana related activity or use within the corporate limits of the City of Wildwood.

2. The City of Wildwood shall not accept, process or approve any business tax receipts, building permits, land use permits, or any development permits concerning or related to a medical marijuana treatment center, medical marijuana dispensary, personal caregiver or any other marijuana related activity or use within the corporate limits of the City of Wildwood.

3. The City of Wildwood shall not accept, process or approve any licenses, permits, or approvals for any property, entity, or individual for the sale or dispensation of marijuana, or for the operation of any medical marijuana treatment center or medical marijuana dispensary, or to operate as a personal caregiver so long as this ordinance is in effect. No person, entity or partnership shall establish, operate or engage in the operation of a medical marijuana treatment center or medical marijuana dispensary within the corporate limits of the City of Wildwood.

Nothing in this temporary moratorium shall be construed to prohibit the medical use of marijuana or low-THC cannabis by a qualifying patient, as determined by a licensed Florida physician, pursuant to Amendment 2, Fla. Stat. § 381.986 or other Florida law.

#### **Section 5. Duration of Moratorium.**

The moratorium imposed by this ordinance shall be effective for two hundred eighty (280) days from the effective date, unless rescinded sooner. Prior to the expiration of the moratorium, the City of Wildwood may extend the moratorium for an additional eighty (80) days.

**Section 6. Ordinance to Be Liberally Construed.**

This ordinance shall be liberally construed to carry out its purposes, which are deemed to be in the best interest of the public health, safety, and welfare of the citizens and residents of the City of Wildwood.

**Section 7. Severability.**

Should any section, phrase, sentence, provision, or portion of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

**Section 8. Effective Date**

This Ordinance shall take effect immediately upon its final adoption by the City Commission.

PASSED AND ORDAINED this 10<sup>th</sup> day of November, 2014, by the City Commission of the City of Wildwood, Florida.

SEAL

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA

ATTEST:

Cassandra Lippincott  
Cassandra Lippincott, City Clerk

Ed Wolf  
Ed Wolf, Mayor

First Reading:

October 27, 2014

Second Reading:

November 10, 2014

Approved as to form.

Ashley S. Hunt  
Ashley S. Hunt, City Attorney