

**ORDINANCE  
NUMBER 2018 - 06**

**AN ORDINANCE OF THE CITY OF LABELLE,  
FLORIDA; EXTENDING A TEMPORARY  
MORATORIUM ON THE ACCEPTANCE,  
PROCESSING, OR APPROVAL OF,  
OCCUPATIONAL LICENSES, DEVELOPMENT  
ORDERS OR PERMITS RELATING TO MEDICAL  
MARIJUANA FACILITIES; PROVIDING FOR  
CONFLICT WITH OTHER ORDINANCES;  
PROVIDING FOR SEVERABILITY; PROVIDING  
FOR CONFLICT WITH EXISTING LAW; AND  
PROVIDING FOR AN EFFECTIVE DATE.**

**RECITALS**

**WHEREAS**, pursuant to the Article VIII of the Florida Constitution, the City of LaBelle Charter and Section 166.021, Florida Statutes, the City Commission is authorized to adopt ordinances necessary for the exercise of its powers; and

**WHEREAS**, the City Commission had previously enacted Ordinance 2017-06 instituting a two hundred and seventy (270) day moratorium on medical cannabis businesses, generally, while the Florida Legislature established a regulatory framework to implement and expand the legal medical use of cannabis (hereinafter marijuana); and

**WHEREAS**, in its past session the Florida Legislation amended the existing regulatory framework surrounding medical marijuana; and

**WHEREAS**, Section 381.986, Florida Statutes, now severely limits, through State preemption, the City's control over the zoning and permitting of medical marijuana facilities, thereby substantially restricting the City's ability to protect surrounding land uses for which dispensaries may not be compatible; and

**WHEREAS**, it is important to provide City time to undertake a study of the State's regulations and the impact upon the City and its residents; and

**WHEREAS**, an extension of the moratorium on applications for, or approval of, any occupational licenses, development orders or permits for medical marijuana facilities will maintain the status quo during the course of the study and planning process; and

**WHEREAS**, the City intends extend the moratorium for an additional ninety-four (94) days thereby limiting the total duration of this moratorium to no more than twelve (12) months; and

**WHEREAS**, the proposed ordinance was properly advertised and has received a public hearing before the City Commission on January 11, 2018; and

**WHEREAS**, the Commission finds it is in the best interest of the residents of the City to maintain the status quo and extend the moratorium; and

**WHEREAS**, the City Commission, due to the imminent expiration of the existing moratorium, to utilize the emergency adoption procedures under Section 166.041, Florida Statutes, to enact this ordinance at a single duly noticed public hearing.

**NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of LaBelle, Florida:

**Section 1.** The forgoing recitals are true and correct and are incorporated herein by this reference.

**Section 2.** The provisions of Ordinance 2017-06 are hereby extended for an additional term of ninety-four (94) days unless repealed sooner.

Notwithstanding the forgoing, in the event the City Commission approves an amendment to the Land Development Regulations, the moratorium will remain in effect until such time as the amendment becomes effective, whichever occurs last.

**Section 3.** This ordinance is undertaken in good faith and is not intended to restrict, prohibit or otherwise prevent a property owner from the reasonable use of their land or from developing their land in accordance adopted comprehensive plan, land development regulations, or the general ordinances and codes of the City of LaBelle.

**Section 4. Conflict with other Ordinances.** The provisions of this article shall supersede any provisions of existing ordinances in conflict herewith to the extent of said conflict.

**Section 5. Severability.** In the event that any portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**Section 6. Existing Law.** Nothing in this temporary moratorium shall be construed to prohibit the use of cannabis pursuant to the Article X Section 20 of the Florida Constitution, the Compassionate Medical Cannabis Act or other applicable Florida Law, or the delivery of cannabis in compliance with any applicable Florida Law.

**Section 7. Effective Date.** This Ordinance shall take effect immediately upon its adoption by the City Commission.

**PASSED AND DULY ADOPTED** this 11 day of January, 2018.

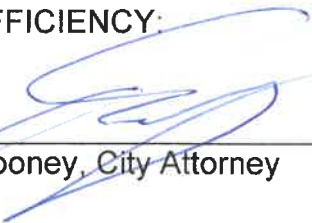
CITY COMMISSION OF THE CITY OF LABELLE, FLORIDA

By:   
David A. Lyons, Mayor

ATTEST:

By:   
Thomas A. Smith, Clerk-Commissioner

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

By:   
Derek Rooney, City Attorney

Vote:	AYE	NAY
Mayor Lyons	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commissioner Smith	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commissioner Wilkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commissioner Akin	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commissioner Zimmerly	<input checked="" type="checkbox"/>	<input type="checkbox"/>