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ORDINANCE NO. 2023-03

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING ORDINANCE NO. _____ AS SET FORTH IN THE CITY’S CODE OF ORDINANCES; PROVIDING FOR THE CREATION OF SECTION _____ TO BE ENTITLED “MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES PROHIBITED” ; PROVIDING FOR PURPOSE AND FINDINGS; PROHIBITING MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES WITHIN THE CITY OF WESTLAKE; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Art. X, § 29, Fla. Const., entitled, “Medical Marijuana production, possession and use,” was passed by the electors of Florida in November 2016, and amended the Florida Constitution to allow the use of marijuana in certain medical applications; and,

WHEREAS, Art. X, § 29, Fla. Const. defines Medical Marijuana Treatment Centers (“ MMTCs”) to mean an 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 qualifying patients or their caregivers and is registered by the Department (of Health); and,

WHEREAS, the City Council, pursuant to the authority provided to the City in Section 381.986(11), Florida Statutes, desires to prohibit MMTCs from establishing dispensaries within the municipal limits of the City of Westlake.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY FOR THE CITY OF WESTLAKE, FLORIDA, AS FOLLOWS:

SECTION 1. Recitals. The foregoing recitals are confirmed, adopted and incorporated herein and made a part hereof by this reference.

SECTION 2. The City Council hereby amends Ordinance No. ____ by amending Article ____ by specifically creating Section ____ entitled “Medical Marijuana Dispensing Facilities Prohibited” to read as follows:

Sec. _____ . - Medical Marijuana Treatment Center Dispensing Facilities Prohibited.

- (a) Purpose.** It is the purpose of this ordinance to prohibit Medical Marijuana Treatment Centers created under Art. X, § 29 of the Florida Constitution from establishing Medical Marijuana Treatment Center Dispensing Facilities within the municipal limits of the City of Westlake;
- (b) Findings.** Based on authority granted to municipalities in Section 381.986(11) Florida Statutes, the City Council finds that a ban on the

1 establishment of Medical Marijuana Treatment Center Dispensaries within
2 the City of Westlake is in the best interest of the City;
3 (c) Prohibition. Medical Marijuana Treatment Center Dispensing Facilities are
4 prohibited within the municipal boundaries of the City of Westlake;

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SECTION 3. Codification. It is the intention of the City Council of the City of Westlake that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Westlake, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word “Ordinance” may be changed to “Section,” “Article” or such other word or phrase in order to accomplish such intention.

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

SECTION 5. Severability. Should the provisions of this ordinance be declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

SECTION 6. Effective Date. This ordinance shall be effective upon adoption on second reading.

PASSED this ____ day of _____, 2023, on first reading.
PUBLISHED on this ____ day of _____, 2023 in the Palm Beach Post.
PASSED AND ADOPTED this ____ day of _____, 2023, on second reading.

City of Westlake
JohnPaul O’Connor, Mayor

ATTEST:

Zoie Burgess, CMC City Clerk