

ORDINANCE NO. 26-19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, IMPOSING A TEMPORARY MORATORIUM ON THE OPERATION OF RETAIL BUSINESSES ENGAGED IN THE SALE OF RETAIL PRODUCTS CONTAINING CANNABIDIOL/CBD SOLD AS A PRINCIPAL RETAIL PRODUCT WITHIN THE CITY FOR A PERIOD OF ONE (1) YEAR; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, this Ordinance is enacted pursuant to the home rule powers of the City Commission of the City of Delray Beach, Florida (City) as set forth in Article VIII, Section 2 of the Constitution of the State of Florida, Chapter 166, *Florida Statutes* and the City Charter; and

WHEREAS, the City is responsible for the protection of the health, safety and welfare of its businesses, residents, and visitors; and

WHEREAS, Governor Ron Desantis recently signed Senate Bill 1020 (S1020) providing for a licensing program for hemp growers as well as authorization for the sale of products containing cannabidiol (CBD) so long as a certificate from an independent testing laboratory confirms that the THC level in such product does not exceed 0.3 percent; and

WHEREAS, as a result of the passage of S1020 set to take effect on July 1, 2019, City staff desires to evaluate the effect of S1020 in conjunction with the City's current LDRs in order to make recommendations for regulations which will better promote the safety and general welfare of the City businesses, residents, and visitors; and

WHEREAS, due to the historical prohibition of marijuana, the City of Delray Beach does not currently have any land development regulations governing the retail businesses engaged in the sale of products containing CBD that are sold as a principal retail product; and

WHEREAS, the City Commission finds and declares a need to temporarily suspend the approval or denial of applications, permits or business tax receipts related to the operation of retail businesses engaged in the sale of products that contain CBD as a primary retail product in order to allow the development of regulations for such retail businesses; and

WHEREAS, the City wishes to definitively place all parties on notice that it is considering amending the LDRs and that all parties who are considering making application for the operation of a retail business engaged in the sale of products that contain CBD as the primary retail product of its business that the City is considering the adoption of ordinances with respect to this subject matter that a temporary moratorium on this subject matter is necessary and appropriate.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The recitals above are true and correct and are incorporated into the findings of this Resolution as if set forth in full herein.

Section 2. A temporary moratorium is hereby imposed on the operation of retail business that sell products containing cannabidiol/CBD as their principle retail product. While the temporary moratorium is in effect, the City shall not accept, process, or approve any application relating to this subject matter.

Section 3. This ordinance shall take effect immediately upon adoption. The temporary moratorium shall terminate one (1) year from the effective date of this ordinance, unless the City Commission rescinds or extends the moratorium by subsequent ordinance.

Section 4. If any section, subsection, clause, or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

PASSED AND ADOPTED in regular session on second and final reading on this the _____ day of _____, 2019.

ATTEST:

Katteri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to Form and Legal Sufficiency:

Lynn Gelin, City Attorney

First Reading _____

Second Reading _____