

1 EXHIBIT 1

2
3 ORDINANCE NO. 2017 -

4
5 AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF
6 THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING
7 MINIMUM PROPERTY MAINTENANCE AND OCCUPANCY
8 CODE SECTION 14-10, GARBAGE, RUBBISH, OR WASTE;
9 PROVIDING FOR CONFLICT; PROVIDING FOR
10 CODIFICATION; PROVIDING FOR SEVERABILITY; AND
11 PROVIDING AN EFFECTIVE DATE.

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13 WHEREAS, on November 8, 2016, Florida voters passed a Constitutional Amendment
14 to expand the legalization of marijuana; and

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16 WHEREAS, the City of Hallandale Beach has amended Chapters 7 and 32 in order to
17 enact regulations for cannabis dispensing organizations; and

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19 WHEREAS, Florida Statute 381.986(8)(b) states that municipalities may determine the
20 criteria, number, and location of cannabis dispensary organizations; and

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22 WHEREAS, Chapter 14 sets forth the procedures for property maintenance; and

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24 WHEREAS, Section 14-10 is created to specifically address the property maintenance
25 requirements of garbage, rubbish, or waste; and

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27 WHEREAS, the City is enacting regulations for cannabis dispensing organizations with
28 amendments to Chapters 7 and 32 of the City's Code of Ordinances as a result of the passage
29 of Florida's Constitutional Amendment 2 on November 8; and

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31 WHEREAS, the City intends to amend Chapter 14 to complement the ordinances that
32 will regulate medical cannabis businesses, and provide requirements for disposal of waste
33 created as a result of engaging in such businesses; and

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35 WHEREAS, the City intends to ensure the public health, safety, and welfare through
36 amendments to Chapter 14 in an effort to prohibit any illicit attempts at using the waste to
37 produce any illegal substances; and

WHEREAS, the City Administration recommends amendment of Chapter 14 to provide requirements for the disposal of waste for medical cannabis related businesses in accordance with the regulations set forth; and

WHEREAS, the Mayor and City Commission have determined that it is in the best interest of the residents of the City of Hallandale Beach to amend Sections 14-93 to enlarge the jurisdiction of the Special Magistrate to hear appeals on mitigation and/or amendment to final order in code enforcement matters and to be in compliance with state statutes.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF
HALLANDALE BEACH, FLORIDA:

SECTION 1. Chapter 14, Minimum Property Maintenance and Occupancy Code, Article IV, Lot and Maintenance Clean-Up, Section 14-93, Accumulation of Trash, Junk, Debris, Living and Nonliving Plant Material, and Stagnant Water, is amended to read as follows:

Sec. 14-93. - Accumulation of trash, junk, or debris, living and nonliving plant material, and stagnant water.

(a) Every owner and, if applicable, every agent, custodian, lessee, or occupant of property shall reasonably regulate and effectively control accumulations of trash, junk, or debris, living and nonliving plant material, and stagnant water (i) on the property; and (ii) that portion of the adjoining public right-of-way between the property and the paved or graded street.

(b) The following uses are permissible:

(1) Storage of trash, junk, debris, and living and nonliving plant material in garbage cans that comply with applicable ordinances relating to solid-waste collection.

(2) The storage of nonliving plant material in compost bins, except that no property may have more than two compost bins.

(3) Keeping wood on the property for use as fire or fuel, provided, such wood shall be piled, stacked, bundled, or corded and the area surrounding the piles, stacks, bundles, or cords shall be free of excessive growth of grass, weeds, brush, branches, and other overgrowth.

(c) A Medical Marijuana Retail Center shall actively remove litter at least twice each day of operation on the Premises, from the Premises, the area in front of the Premises, from any parking lot used by its patrons, and, if necessary, on from public sidewalks or rights-of-way within 100 feet of the outer edge of the Premises used by its patrons.

(d) Refuse or waste products incident to the distribution of Marijuana shall be destroyed on-site at least once every 24 hours.

SECTION 2. Conflict. All ordinances or portions of the Code of Ordinances of the City of Hallandale Beach in conflict with the provisions of this ordinance shall be repealed to the extent of such conflict.

SECTION 3. Severability. Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 4. Codification. It is the intention of the Mayor and City Commission that the provisions of this ordinance be incorporated into the Code of Ordinances; to effect such intention the words "ordinance" or "section" may be changed to other appropriate words.

SECTION 5. Effective Date. This Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED on 1st reading on _____, 2017.

PASSED AND ADOPTED on 2nd reading on _____, 2017.

JOY F. COOPER
MAYOR

SPONSORED BY: CITY ADMINISTRATION

ATTEST:

MARIO BATAILLE, CMC
CITY CLERK

116 APPROVED AS TO LEGAL SUFFICIENCY and
117 FORM

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JENNIFER MERINO

123 CITY ATTORNEY