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2 **EXHIBIT 1**

3  
4 **ORDINANCE NO. 2017-**

5  
6 **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF**  
7 **THE CITY OF HALLANDALE BEACH, FLORIDA, CREATING**  
8 **CHAPTER 7, ARTICLE XIV, MEDICAL CANNABIS BUSINESS**  
9 **REGULATIONS; PROVIDING FOR PERMIT APPLICATION**  
10 **PROCEDURES AND REVIEW; OPERATION REGULATIONS,**  
11 **AND REVOCATION; RESERVING SECTIONS 7-465 THROUGH**  
12 **7-480; PROVIDING FOR CODIFICATION; PROVIDING FOR**  
13 **CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING**  
14 **FOR AN EFFECTIVE DATE.**  
15

16 **WHEREAS,** the 2014 Florida Legislature approved Senate Bill 1030 providing for the  
17 growing, processing, and distributing of specific forms of low-THC (non-euphoric) cannabis to  
18 qualified patients and their legal representatives for the treatment of listed medical conditions,  
19 which became effective on June 16, 2014 as Chapter 2014-157, Laws of Florida, and is codified  
20 at Section 381.986, Florida Statutes ("Senate Bill 1030"); and

21 **WHEREAS,** the Florida Department of Health has adopted Chapter 64-4 Florida  
22 Administrative Code to implement Senate Bill 1030; and

23 **WHEREAS,** on November 4, 2014, Florida voters did not approve an amendment to the  
24 Florida Constitution to allow for broader medical use of any kind of marijuana (including  
25 euphoric strains) within the State (the "2014 Constitutional Amendment"); and

26 **WHEREAS,** on November 8<sup>th</sup> 2016, Florida voters approved an amendment to the Florida  
27 Constitution legalizing a broader use of marijuana to include individuals with specific debilitating  
28 diseases or comparable debilitating conditions as determined by a licensed state physician; and

29 **WHEREAS,** the City intends to regulate the location and criteria for medical marijuana  
30 retail centers and treatment centers as significant safety and security issues exist with the  
31 creation of these establishments; and  
32



a. Application. Applications for a Medical Marijuana Permit shall be made by the Applicant in person to the Development Services Department during regular business hours upon such forms and with such accompanying information as may be established by the City. Both Medical Marijuana Treatment Centers ("Treatment Centers") and Medical Marijuana Retail Centers ("Retail Centers") as defined in Chapter 32-776(c) are required to apply for a Medical Marijuana Permit. Such application shall be sworn to or affirmed. Every application shall contain at least the following:

1. The business operating name and all Applicant and Owner information. If the Applicant or Owner is:

i. An individual, his or her legal name, aliases, home address and business address, date of birth, copy of driver's license or a state or federally issued identification card;

ii. A partnership, the full and complete name of the partners, dates of birth, copy of driver's license or state or federally issued identification card of all partners, and all aliases used by all of the partners, whether the partnership is general or limited, a statement as to whether or not the partnership is authorized to do business in the State of Florida and, if in existence, a copy of the partnership agreement (if the general partner is a corporation, then the Applicant shall submit the required information from section 7-465(1)a.1.iii t in addition to the information concerning the partnership); or

iii. A corporation, the exact and complete corporate name, the date of its incorporation, evidence that the corporation is in good standing, the legal names and dates of birth, copy of driver's licenses or state or federally issued identification cards of all officers, and directors, and all aliases used, the capacity of all officers, and directors, and, if applicable, the name of the registered corporate agent, and the address of the registered office for service of process, and a statement as to whether or not each corporation is authorized to do business in the State of Florida; or

iv. Any other type of entity, the exact and complete name, the date of its formation or creation, evidence that the entity is in good standing, the legal names and dates of birth, copy of driver's licenses or state or federally issued identification cards of all members, officers, and directors, and all aliases used, the capacity of all members, officers, and directors, and, if applicable, the name of the registered corporate agent, and

the address of the registered office for service of process, and a statement as to whether or not each entity is authorized to do business in the State of Florida.

vi. The addresses required by this section shall be physical locations, and not post office boxes.

2. A complete copy of the business' application filed with the State of Florida and all related exhibits, appendices, and back up materials for approval and licensure as a Medical Marijuana Treatment Center or Retail Center.

3. Copies of any and all state and other licenses issued to the Applicant to engage in the Marijuana business.

4. A statement as to whether the Applicant or any Owner or Employee has previously received a Medical Marijuana Permit or Identification Tag from the City.

5. A statement as to whether the Applicant or any Owner holds other permits or licenses under this Code and, if so, the names and locations of such other permitted or licensed establishments.

6. A statement as to whether the Applicant or any Owner has been a partner in a partnership or an officer or director of a corporation whose permit or license issued under this Code has previously been suspended or revoked, including the name and location of the establishment for which the license was suspended or revoked, as well as the date of the suspension or revocation.

7. A statement as to whether or not the Applicant or any Owner has lost any privilege or had any permit or license to do business revoked by any local, state or federal government and, if so, the nature of such privilege, permit or license and the reason for such revocation.

8. A statement as to whether or not the Applicant or any Owner has lost any privilege or had any permit or license to do business suspended by any local, state or federal government and, if so, the nature of such privilege, permit or license and the reason for such suspension.

9. A statement as to whether or not the Applicant or any Owner or Employee has been found guilty of or has pleaded guilty or nolo contendere to a felony relating to any business in this State or in any other State or Federal court, regardless of whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

124        10. A statement as to whether or not the Applicant or any Owner or Employee  
125 has been found guilty of, or have pleaded guilty or nolo contendere to, a felony relating  
126 to a battery or a physical violence on any person in this State or in any other State or  
127 Federal court, regardless of whether a judgment of conviction has been entered by the  
128 court having jurisdiction of such cases.

129        11. A statement as to whether or not the Applicant or any Owner has filed a  
130 petition to have their respective debts discharged by a bankruptcy court having jurisdiction  
131 of such cases.

132        12. Written documentation, acceptable to the City Manager or designee, that  
133 the Applicant, every Owner, Manager, and each Employee has successfully completed  
134 level 2 background screening within the year.

135        13. A passport photograph of the Applicant, every Owner, and each Employee.

136        14. A notarized, signed, and sworn statement that the information within the  
137 application is truthful, independently verifiable, and complete and that the photocopies of  
138 the attached driver's licenses or state or federally issued photo identification cards are  
139 currently valid and are true and correct copies of the originals.

140        15. The Applicant shall submit a security plan demonstrating compliance with s.  
141 381.986 F.S. and all other applicable statutes and State administrative  
142 rules.

143        a. In addition to proving compliance with all State requirements,  
144 the security plan shall, at a minimum, provide the following:

145        1. Fully operational lighting and alarms reasonably  
146 designed to ensure the safety of persons and to protect  
147 the Premises from theft, both in the Premises and in the  
148 surrounding rights-of-way, including:

149        i. a silent security alarm that notifies the Police  
150 Department that a crime is taking place;

151 ii. a vault, drop safe or cash management device  
152 that provides minimum access to the cash  
153 receipts; and

154 iii. a security camera system capable of recording  
155 and retrieving, for at least forty-five (45) days,  
156 an image which shall be operational at all times  
157 during and after business hours. The security  
158 cameras shall be located:

159 (a) at every ingress and egress to the  
160 dispensary, including doors and  
161 windows;

162 (b) on the interior where any monetary  
163 transaction shall occur; and

164 (c) at the ingress and egress to any area  
165 where medical Marijuana is stored;

166  
167 2. Traffic management and loitering controls;

168 3. Cash and inventory controls for all stages of operation  
169 on the Premises, and during transitions and delivery.

170 4. On-site armed security personnel from one hour before  
171 the business opens to the public until one hour after the  
172 business closes to the public.

173 16. On-site community relations contact. The Medical Marijuana Retail Center or  
174 Treatment Center shall provide the City Manager, or designee and all property owners and  
175 tenants located within 100 feet of the entrance to its building, with the name, phone number, and  
176 e-mail or facsimile number of an on-site community relations staff person to whom they can  
177 provide notice during business hours and after business hours to report operating problems. The

Medical Marijuana Retail Center or Treatment Center shall make every good faith effort to encourage neighbors to call this person to try to solve operating problems, if any, before any calls or complaints are made to the Police Department or other City officials.

(2) Rejection of Application. In the event the City determines that the Applicant has not satisfied the application requirements for a proposed Medical Marijuana Retail Center or Treatment Center, the Applicant shall be notified of such fact; and the application shall be denied.

(3) Fees. In addition to demonstrating compliance with this article, the Applicant shall pay a nonrefundable application fee in an amount established by resolution of the City Commission for each Applicant, each Owner, and each Employee to cover its administrative costs and expenses incurred in reviewing and administering the Permit and Identification Tag Program, irrespective of the issuance or denial of the application. Each Applicant shall also pay an annual nonrefundable, non-proratable permit fee in an amount established by resolution of the City Commission before receiving a Medical Marijuana Permit.

(4) Application review.

a. Investigation. The City shall review the application and documentation provided, and conduct a background screening of the Applicant, each Owner and Employee, at the Applicant's expense.

b. The Chief of Police, or designee shall review the Applicant's operational and security plan using Crime Prevention Through Environmental Design (CPTED) principles. The Chief may impose site and operational revisions as are deemed reasonably necessary to ensure the safety of the Applicant, Owner(s), Employees, customers, adjacent property owners and residents, which may include items such as methods and security of display and storage of Marijuana and cash, limitations on window and glass door signage, illumination standards, revisions to landscaping, and any other requirement designed to enhance the safety and security of the Premises.

c. City Manager determination. Upon receipt of information regarding items 4 a. and b. of this section, the City Manager or designee shall, within 30 days, either:

i. Notify the Applicant that the Permit has been denied and the reason for such denial; or

ii. Issue a Permit, with or without conditions.

210 iii. The City Manager or designee shall provide notice to the Commission  
211 following issuance of any Medical Marijuana Permit.

212 c. Duration. Permits shall be issued for a one-year period for a term  
213 commencing October 1 or the date of issuance, and ending the following September 30.

214 d. Denial. The City shall deny an Applicant's application for Medical Marijuana  
215 Permit if an investigation of the Applicant and Owner, or the Applicant's application,  
216 indicates that the Applicant, an Employee, or any Owner:

217 i. Has failed to obtain or maintain required state licensing;

218 Has failed to pay required licensing fees;

219 ii. Has failed to demonstrate compliance with the requirements of this article;

220 iii. Has a criminal prosecution pending against him/her in any State or Federal  
221 court for fraud or a felony;

222 iv. Has been convicted of fraud or felony by any State or Federal court within  
223 the past five years;

224 v. Has obtained any governmental permit by fraud or deceit;

225 vi. Has negligently or intentionally misrepresented or concealed information  
226 required by this article in an application for a Permit;

227 vii. Has been declared by the State to be a Habitual felony offenders, violent  
228 habitual felony offenders, violent career criminals as defined in Section 775.084 Florida  
229 Statutes;

230 viii. Has been listed on the United States government's Terrorist Screening  
231 Center's No Fly List; or

232 ix. Has been documented in the NCIC/FCIC law enforcement database as an  
233 active gang member.

234 (5) Background checks, photograph and Identification Tag. In connection with  
235 the issuance of a Medical Marijuana Permit by the City and upon verification of successful  
236 level 2 background screening, an identification tag shall be issued at the applicant's  
237 expense to each approved Applicant for a Permit as well as for each Owner and each  
238 Employee. On the face of each Identification Tag, there shall be placed the following:

239 a. A photograph of the Applicant/Owner/Employee;

240 b. The Permit number;

241 c. The Permit holder's name and address;



d. The name and address of the Medical Marijuana Retail Center or Treatment Center that the Applicant/Owner/Employee represents or is employed by; and

e. The expiration date of the Permit.

(6) Reconsideration of a denied permit application. If a Person applies for a Medical Marijuana Permit at a particular location within a period of one year from the date of denial of a previous application for a Medical Marijuana Permit at the location, and there has not been an intervening change in the circumstances material to the decision regarding the former reason(s) for denial, the application shall not be accepted for consideration.

(7) Renewal. Medical Marijuana Permits shall be entitled to renewal annually subject to the provisions of this article. Before the October 1 expiration date, the annual Medical Marijuana Permit may be renewed by presenting the Permit for the previous year, and:

a. Paying the appropriate Annual Permit Renewal fee;

b. Updating the information supplied with the latest application or certifying that the information supplied previously remains unchanged; and

c. Providing proof of continued compliance with all state and City licenses, operational and zoning requirements.

d. Listing of outstanding code violations, and public safety calls from appropriate city departments, or statement of no outstanding violations and calls on city letterhead.

(8) Permit Transferability.

a. The Medical Marijuana Permit is specific to the Applicant and the location and shall not be transferred.

b. An attempted transfer of a Medical Marijuana Permit, either directly or indirectly in violation of this section is hereby declared void, and in that event the Medical Marijuana Permit shall be deemed abandoned, and the Medical Marijuana Permit shall be forfeited.

#### Section 7-463 – Violation of Regulations, Revocation, and Effect of Revocation

(1) Violation of regulations. In the event of a Code violation, violation of the conditions of the Medical Marijuana Permit or conditional use approval, or other violation of the laws applicable to the Medical Marijuana Retail Center or Treatment Center, the

City shall issue a warning notice and the Applicant shall provide a copy of a corrective action plan and timeframes and completion date to address the identified issues to the City.

(2) Illegal transfer. If a Medical Marijuana Permit is transferred contrary to this article, the City shall suspend the Medical Marijuana Permit and notify the permittee of the suspension. The suspension shall remain in effect until all of the requirements of this article have been satisfied and a new Medical Marijuana Permit has been issued by the City.

(3) Security Alarm Failure. Any instance of breaking and entering at a Medical Marijuana Retail Center or Treatment Center, regardless of whether Marijuana or Marijuana-based products are stolen, shall constitute a violation of this article if the security alarm shall fail to activate simultaneous with the breaking and entering.

(4) Grounds for Revocation. Any Medical Marijuana Permit issued under this article shall be immediately revoked if any one or more of the following occurs:

- a. The Applicant provides false or misleading information to the City;
- b. Anyone on the Premises knowingly dispenses, delivers, or otherwise transfers any Marijuana or Marijuana product to an individual or entity not authorized by State law to receive such substance or product;
- c. The Applicant, an Owner or a manager is convicted of a felony offense;
- d. Any Applicant, Owner, manager or Employee is convicted of any drug-related crime under Florida Statutes;
- e. The Applicant fails to correct any City Code violation or to otherwise provide an action plan to remedy the violation acceptable to the City Manager or designee within 20 days of citation;
- f. The Applicant fails to correct any State law violation or address any warning in accordance with any corrective action plan required by the State within the timeframes and completion date the Applicant provided to the City;
- g. The Applicant's state license or approval authorizing the dispensing of Medical Marijuana expires or is revoked;
- h. Any conditional use approval granted by the City for the use of a Medical Marijuana Retail Center at a particular location expires or is revoked;

i. The Applicant, Owner, manager or Employee is declared to be a habitual felony offender, violent habitual felony offender, violent career criminal as defined in Section 775.084 Florida Statutes, and declared by the State;

j. The Applicant, Owner, manager or Employee is added to the United States government's Terrorist Screening Center's No Fly List;

k. The Applicant, Owner, manager or Employee is declared a gang member and is documented in the NCIC/FCIC law enforcement database as such; or

l. Any violation and/or non-compliance of any regulations or requirements listed in this article.

(5) Revocation. In the event the City determines there are grounds for revocation as provided in this article, the City shall notify the permittee of the intent to revoke the Medical Marijuana Permit and the grounds upon which such revocation is proposed. The permittee shall have ten business days in which to provide evidence of compliance with this article. If the permittee fails to show compliance with this article within ten business days, the City shall schedule a hearing before the Special Magistrate. If the Special Magistrate determines that a permitted Medical Marijuana Retail Center is not in compliance with this article the City shall revoke the Medical Marijuana Permit and shall notify the permittee of the revocation. Nothing in this section shall take away other enforcement powers of the Special Magistrate or any other agency provided by the Code or statute.

(6) Effect of Revocation.

a. If a Medical Marijuana Permit is revoked, the permittee shall not be allowed to obtain another Medical Marijuana Permit for a period of two years.

b. The revocation shall take effect 15 days, including Saturdays, Sundays, and holidays, after the date the City mails the notice of revocation to the permittee or on the date the permittee surrenders his or her Medical Marijuana Permit to the City, whichever occurs first.

#### Section 7-464 – Permit General Requirements and Operation Requirements

(1) General requirements. Each Medical Marijuana Retail Center or Treatment Center shall observe the following general requirements:

a Conform to all applicable building statutes, codes, ordinances, and regulations, whether federal, state, or local;

b Conform to all applicable fire statutes, codes, ordinances, and regulations, whether federal, state, or local;

c Conform to all applicable health statutes, codes, ordinances, and regulations, whether federal, state, or local;

d Conform to all applicable zoning regulations and land use laws, whether state or local, including but not limited to the Unified Land Development Regulations;

e Keep the original of the Medical Marijuana Permit posted in a conspicuous place at the Premises at all times, which Medical Marijuana Permit shall be available for inspection upon request at all times by the public.

(2) Permit and Identification Tag required. It shall be unlawful for any business or person to operate a Medical Marijuana Retail Center or Treatment Center, or to otherwise offer for sale or in any way participate in the conduct of any activities upon the Premises within the City without first obtaining a Medical Marijuana Permit.

a. Each person employed in the conduct of such activity shall be screened and approved pursuant to subsection (f) and required to obtain an Identification Tag before the center opens for business or, for persons who become involved with the Center after it is open, before having any involvement in Center's activities.

b. No such permit or Identification Tag shall be transferable; each person must obtain a Medical Marijuana Permit or Identification Tag directly from the City.

(3) Permit operation requirements. Any business operating under a Medical Marijuana Permit shall comply with the following operational guidelines.

a Business identification. The words "bong," "bud," "chronic," "demp," "dope," "ganja," "grass," "green," "hash," "hashish," "hemp," "herb," "hydro," "indo," "joint," "laughing," "mary jane," "peyote," "pot," "puff," "reefer," "smoke," "wacky tabacky," "weed," or synonyms for such words or similar words or variations of such words shall not be permitted in the business operating signage of the Medical Marijuana Retail Center.

b Hours of operation.

i. Operation is permitted only between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday.

ii. No operation is permitted on Sundays or state or federal holidays.

c. On-site consumption of Marijuana. No Medical Marijuana Retail Center shall allow any Marijuana to be smoked, ingested or otherwise consumed on the Premises. The Medical Marijuana Retail Center shall take all necessary and immediate steps to ensure compliance with this paragraph. No person shall smoke, ingest or otherwise consume Marijuana on the Premises.

d. Each Applicant, Owner, Employee, and manager shall, as soon as is reasonably practicable, report all felonies and any theft, suspected theft or loss of Marijuana or Marijuana based products that occurs at the business to the Police Department and any other entity that requires them to report such incidents

e. Delivery. All deliveries to the Medical Marijuana Retail Center or Treatment Center shall be made while on-site security personnel are present.

f. Delivery Vehicle Identification. For security purposes, no vehicle used in the operation of or for the business purposes of a Medical Marijuana Retail Center or Treatment Center shall be marked in such a manner as to permit identification with the Medical Marijuana Retail Center or Treatment Center.

g. Employment restrictions. It shall be unlawful for any Medical Marijuana Retail Center to employ any person who:

a. is not at least 21 years of age; and

b. has not passed a level 2 background screening.

h. Sole business. No business other than the dispensing of Medical Marijuana shall be permitted to be conducted from the Premises.

i. Compliance with State regulations and licensure requirements. A Medical Marijuana Retail Center or Treatment Center must comply with all federal and State laws, licensing and regulatory requirements.

a. A Medical Marijuana Retail Center or Treatment Center shall notify the City in writing within five business days of receipt of any

notice of violation or warning from the State or of any changes to its  
State licensing approvals.

b. If a Medical Marijuana Retail Center or Treatment Center  
receives a notice of violation or warning from the State, it shall, no later  
than 20 business days after receipt of the notice, provide a copy of the  
corrective action plan and timeframes and completion date to address  
the identified issues to the City.

**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 the 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. Reserved Sections.** Sections 7-465-7-480 are hereby reserved.

**SECTION 6. Effective Date.** This Ordinance shall take effect immediately upon adoption  
on second reading.

PASSED on First Reading on \_\_\_\_\_.

PASSED AND ADOPTED on Second Reading on \_\_\_\_\_.

\_\_\_\_\_  
JOY F. COOPER  
MAYOR

SPONSORED BY: CITY ADMINISTRATION

ATTEST:

\_\_\_\_\_  
MARIO BATAILLE, CMC  
CITY CLERK

432  
433  
434 APPROVED AS TO LEGAL SUFFICIENCY FROM  
435  
436 \_\_\_\_\_  
437 JENNIFER MERINO  
438 CITY ATTORNEY