



# City of Hallandale Beach City Commission

## Agenda Cover Memo

Meeting Date:		Item Type:			1 <sup>st</sup> Reading	2 <sup>nd</sup> Reading
5/6/2020		<input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Other		Ordinance Reading	4/15/2020	5/6/2020
File No.:				Public Hearing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
20-095				Advertising Required	<input type="checkbox"/>	<input checked="" type="checkbox"/>
				Quasi Judicial:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fiscal Impact (\$):		Account Balance (\$):	Funding Source:		Project Number :	
N/A		N/A	N/A		Application#LDC-20-00826, Medical Marijuana Businesses, Pharmacies and Pain Management Clinics Security Personnel Code Amendment	
Contract/P.O. Required		RFP/RFQ/Bid Number:	Sponsor Name:		Department:	
<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		Vanessa Leroy, Director		Development Services	
Strategic Plan Focus Areas:						
<input type="checkbox"/> Financial		<input type="checkbox"/> Organizational Capacity		<input type="checkbox"/> Infrastructure	<input checked="" type="checkbox"/> Development, Redevelopment and Economic Development	
Implementation Timeline						
Estimated Start Date: N/A Estimated End Date: N/A - Effective on Adoption						

### Short Title:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 7, ARTICLE XV, PERMIT APPLICATION, OPERATION REQUIREMENTS AND PROCEDURES FOR MEDICAL MARIJUANA BUSINESSES, PHARMACIES, AND PAIN MANAGEMENT CLINICS TO REMOVE ON-SITE SECURITY PERSONNEL AS A MINIMUM REQUIREMENT; PROVIDING FOR ON-SITE ARMED SECURITY PERSONNEL AS AN ENHANCED REQUIREMENT UNDER APPLICATION REVIEW; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

## **Staff Summary**

### **Background**

On September 17, 2018, the City Commission adopted Ordinance 2018-024 related to the regulation of medical marijuana businesses, pharmacies and pain management clinics. Pursuant to the adopted ordinance, there are numerous standards, documents and other application requirements to obtain an on-site dispensing of controlled substances permit. In addition to proving compliance with all State and local zoning requirements, the applicant is required to submit a security plan such as, fully operational lighting, alarms; a vault, drop safe or cash management device; security cameras; traffic and loitering controls; cash and inventory controls. The Ordinance further requires on-site armed security personnel one hour before opening to the public until one hour after the business closes to the public in addition to having the security personnel for all stages of the operation on the premises and during transactions and deliveries.

### **Current Situation**

Since the adoption of Ordinance 2018-024, the City has received 2 applications for medical marijuana establishments and one permit has been issued. There have been 3 applications for pharmacies and one permit has been issued. No applications have been received for pain management clinics since adoption of the ordinance.

Upon review of applications received, and considering that the required security plans currently use Crime Prevention Through Environmental Design (CPTED) principles, the Chief of Police has opined that having security personnel for all stages of the operation of some businesses attempting to operate in the City may not be a necessity and could be considered an option if the need arises.

Accordingly, upon further review of the Ordinance, staff recommends amending the Code to remove this requirement for pharmacies, medical marijuana businesses and pain management clinics.

### **Analysis**

The following is a summary of the proposed amendments in the attached Ordinance:

1. Amends Chapter 7, Section 7-491, Permit Application and Requirements to remove the requirement of on-site security personnel for medical marijuana businesses, pharmacies and pain management clinics. Such security would be required as an additional requirement if, in the Police Chief's review of an applicant's security plan, determines it necessary in order to ensure the safety of the applicant, employees, customers and residents of the City.
2. Amends Chapter 7, Section 7-493, Permit General Requirements and Operation Requirements, to remove the need for deliveries to medical marijuana businesses, pharmacies and pain management clinics be made while on-site security personnel are present unless the Chief of Police, in his/her review of the application determined that it is necessary.

### **Why Action is Necessary**

Pursuant to Article V, Division I, Section 5.01 of The City of Hallandale Beach City Charter, a City Ordinance is to be adopted to amend an existing Ordinance.

### **Cost Benefit**

The proposed amendment would reduce the number of potential businesses for whom having armed security personnel would be a necessity making such businesses more fiscally viable. It would not have a negative public safety impact as the City will still be able to require it on a case by case basis if deemed necessary by the Chief of Police in the review of the business's security plan.

### **Requested Action:**

Staff recommends the City Commission approve the attached Ordinance on First Reading and schedule Second Reading for the next Commission meeting.

### **Attachment(s):**

Exhibit 1- Proposed Ordinance