

ORDINANCE NO. 2017-13

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2016-15, WHICH IMPOSED A MORATORIUM ON THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSING FACILITIES AND ACCEPTANCE AND PROCESSING OF APPLICATIONS IN THE UNINCORPORATED AREAS OF NASSAU COUNTY FOR A PERIOD OF 180 DAYS; SPECIFICALLY AMENDING SECTION 5; IMPOSITION OF TEMPORARY MORATORIUM TO EXTEND THE MORATORIUM FOR AN ADDITIONAL NINETY (90) DAYS ON THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSING FACILITIES AND ACCEPTANCE AND PROCESSING OF APPLICATIONS IN THE UNINCORPORATED AREAS OF NASSAU COUNTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 21, 2016, the Board of County Commissioners of Nassau County, Florida adopted Ordinance No. 2016-15, to place a 180 day temporary moratorium on the establishment of medical marijuana dispensing facilities as defined therein, within the unincorporated areas of Nassau County for a period of time reasonably necessary for the County to determine the best way to regulate medical marijuana dispensing facilities; and

WHEREAS, the temporary moratorium shall not affect a Medical Marijuana Dispensing Facility of a Dispensing Organization which has received dispensing authorization from the Florida Department of Health in accordance with Section 381.986, Florida Statutes, and Chapter 64-4.001, F.A.C., for which the County zoning official has issued a zoning verification letter which confirms the permissibility of the zoning status of the proposed location for use as a Medical Marijuana Dispensing Facility, and for which development permits have been obtained in reliance on the zoning verification letter prior to the adoption of Ordinance No. 2016-15; and

WHEREAS, due to the Florida Legislature not enacting legislation pursuant to Amendment 2, the Board of County Commissioners finds that an extension of the temporary moratorium on the establishment of medical marijuana dispensing facilities is reasonably necessary in order for the County to determine proper regulations regarding such businesses and facilities, if deemed advisable, and is in the best interest of the public health, safety and general welfare; and

WHEREAS, based on the Legislature's actions, the Florida Department of Health is responsible for promulgating rules as to Medical Marijuana Facilities and the Department has not finalized a rule.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Nassau County, Florida, that Ordinance No. 2016-15, shall be further amended as follows:

1. **SECTION 5: Imposition of Temporary Moratorium.** Nassau County hereby imposes a an extension of the temporary moratorium for an additional ninety (90) days on the acceptance of applications for, the processing of, and the establishment of and issuance of development permits, development orders or any other official action of Nassau County permitting or having the effect of permitting Medical Marijuana Dispensing Facilities, except as provided for in this ordinance, for an additional a period of ~~180~~ 90 days following the effective date of this ordinance. The moratorium is temporary and unless dissolved earlier by the Board of County Commissioners, will ultimately dissolve ~~180~~ 90 days from the date of adoption unless otherwise extended in accordance with applicable law.
2. **SECTION 8: APPLICABILITY.** This ordinance shall be applicable in the unincorporated areas of Nassau County.
3. **SECTION 9: PENALTIES.** This moratorium may be enforced by the following methods of enforcement:
 - (a) Revocation or temporary suspension of necessary development permits, development orders and/or certificates of occupancy and/or licenses, applications as to zoning, etc.; or
 - (b) By an action for injunctive relief as to the medical marijuana dispensing facility, civil penalties or both, through a court of competent jurisdiction; or
 - (c) By any other process permitted by law or equity.
4. **SECTION 10: SEVERABILITY.** If any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason held invalid or unconstitutional by any court of


competent jurisdiction, such holding shall not be construed to render the remaining provisions of this ordinance invalid or unconstitutional.

5. **SECTION 11: CONFLICT WITH STATE LAW.** Nothing in this ordinance is intended to conflict with the provisions of the Florida Constitution or any Florida Statute. In the event of a direct and express conflict between this ordinance and either the Florida Constitution or the Florida Statutes, then the provisions of the Florida Constitution or Florida Statutes, as applicable control.

6. **SECTION 12: FILING OF ORDINANCE AND EFFECTIVE DATE.** In accordance with the provisions of §125.66, Florida Statutes, governing ordinances, a certified copy of this ordinance shall be filed with the Florida Department of State by the Clerk of the Board of County Commissioners. This ordinance shall take effect upon filing with the Florida Department of State
PASSED AND ENACTED by the Board of County Commissioners of Nassau County, Florida

this 12th day of June, 2017.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



DANIEL B. LEEPER
Its: Chairman

Attest as to Chairman's signature:


JOHN A. CRAWFORD
Its: Ex-Officio Clerk

MES
06-13-17

Approved as to form by the
Nassau County Attorney


MICHAEL S. MULLEIN