

ORDINANCE NO. 2022-08
TO AUTHORIZE THE OPERATION OF MEDICAL CANNABIS
DISPENSING SITES WITHIN THE
CORPORATE LIMITS OF THE CITY OF PRICEVILLE

WHEREAS, during the 2021 Regular Session of the Alabama legislature, Act 2021-450 (the "Act") was enacted and codified in Chapter 2A of Title 20, *Code of Alabama*, to create within Alabama a wholly intrastate system for regulation of the cultivation, processing, and distribution of medical cannabis; and

WHEREAS, as stated in the Act "establishing a program providing for the administration of cannabis derivatives for medical use in this state will not only benefit patients by providing relief for pain and other debilitating symptoms, but also provide opportunities for patients with these debilitating conditions to function and have a better quality of life and provide employment and business opportunities for farmers and other residents of this state and revenue to state and local governments"; and

WHEREAS, the Act preserves the zoning authority of municipalities in this state with respect to medical cannabis facilities which could be or are incompatible with certain other uses within the corporate limits of the city and due consideration should be given to the appropriate location for medical cannabis facilities within the community in order to preserve and promote the public health, safety and general welfare; and

WHEREAS, the purpose of this ordinance is to accommodate the medical needs of patients in this community, provide local employment opportunities, and generate revenue, while assuring that the Planning Commission and City Council may appropriately consider the impact of operations of such facilities on public health, safety and the general welfare of its citizens; and

WHEREAS, the Act defines a "dispensary" as an entity licensed by the Alabama Medical Cannabis Commission, to dispense and sell medical cannabis at dispensing sites to registered qualified patients and registered caregivers in accordance with the Act; and

WHEREAS, the Act defines an "integrated facility" as an entity licensed to perform the functions of a cultivator, processor, secure transporter, and dispensary, as those terms are defined by the Act; and

WHEREAS, the Act defines a "dispensing site" as a site operated by a dispensary licensee or an integrated facility licensee; and

WHEREAS, the Act defines a "medical cannabis facility" as any facility, or land associated with a facility, of a licensee of the Alabama Medical Cannabis Commission.

WHEREAS, the Act states that a dispensary licensee or integrated facility licensee may not operate a dispensing site within a municipality unless the governing body of that municipality has authorized, by ordinance, the operation of dispensing sites within its jurisdictional boundaries; and

WHEREAS, the City Council believes it is in the public interest to authorize the operation of facilities authorized by the Act within the corporate limits of the City of Priceville, subject to the zoning laws of the City of Priceville.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRICEVILLE, ALABAMA, AS FOLLOWS:

1. The Priceville City Council does hereby authorize medical cannabis dispensing sites, integrated facilities and other medical cannabis facilities licensed by the Alabama Medical Cannabis Commission, to operate within the corporate limits of the City of Priceville, subject to this ordinance and any applicable zoning restrictions that the Council may adopt pursuant to Ala. Code §20-2A-51(c)(3), and not inconsistent with the Act.

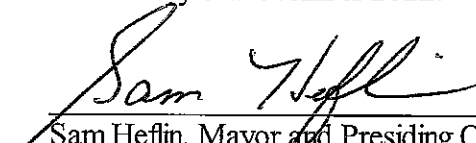
2. The operation of a properly licensed medical cannabis dispensary shall be included within uses defined as "Retail, General" under Section 2.02.124 of the Zoning Ordinance of the City of Priceville. All other licensed medical cannabis facilities, including, but not limited to a licensed integrated facility shall be included within uses defined as "Manufacturing, General" under Section 2.02.94 of the Zoning Code.

3. The City Clerk or designee is hereby directed to forward a copy of this ordinance to the Alabama Medical Cannabis Commission within seven (7) calendar days of its adoption.

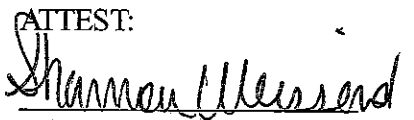
4. Each and every provision of this Ordinance is hereby declared to be an independent provision and the holding of any provision hereof to be void or invalid for any reason shall not affect any other provision hereof, and it is hereby declared that the other provisions of this Ordinance would have been enacted regardless of any provisions which might have been invalid.

5. This ordinance shall become effective upon its passage and publication as required by law.

READ, APPROVED and ADOPTED this 28th day of November 2022.



Sam Heflin, Mayor and Presiding Officer of
The City Council of the City of Priceville

ATTEST:


Shannon Weissend, City Clerk