

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF CORAL GABLES OFFICIAL CODE OF ORDINANCES: AMENDING CHAPTER 14, "BUSINESSES", BY CREATING ARTICLE V. "MARIJUANA SALES", TO PROVIDE REGULATIONS, RESTRICTIONS AND PROCEDURES FOR THE OPERATION OF MEDICAL MARIJUANA RETAIL CENTERS; AMENDING SECTION 38-6, TO PROHIBIT THE PUBLIC CONSUMPTION OF MARIJUANA; AFFIRMING THAT THE CITY WILL ONLY APPROVE USES THAT ARE LEGAL UNDER FEDERAL AND STATE LAW; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the City's regulations are current and consistent with the City's planning and regulatory needs; and

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

WHEREAS, the Florida Department of Health is currently adopting a rule to implement Senate Bill 1030, which rule must be effective by January 1, 2015; and

WHEREAS, despite the adoption of Senate Bill 1030, the activities it condones remain illegal under federal law; and

WHEREAS, although on November 4, 2014, the amendment to the Florida Constitution to allow for broader medical use of any kind of marijuana (including euphoric strains) within the State (the "Constitutional Amendment") was defeated by 57.58%, the proposed amendment is still applicable to Senate Bill 1030 approved in 2014; and

WHEREAS, the proposed ordinance is also applicable should the Florida Legislature make changes to the state law or a future Constitutional Amendment pass to allow broader medical use of marijuana that permits the use of additional alternative forms of marijuana (marijuana in all its forms including low-THC cannabis, together referred to as "marijuana") and alternative dispensing methods (including, but not limited to, smoking and food products); and

WHEREAS, significant safety and security issues exist for any establishment involved in the cultivation, processing or distribution of marijuana, because they maintain large

40 drug inventories and are forced to deal in cash because their activities have not yet been
41 sanctioned by federal law; and

42 **WHEREAS**, such businesses are inherently attractive targets for criminals, and it
43 is therefore essential that the City limit the permissible scope of such uses and regulate them to
44 protect and advance the public health, safety and welfare; and

45 **WHEREAS**, other attributes of land uses dealing with marijuana, such as odors,
46 must be regulated to minimize their impact on surrounding properties and uses, and to prevent
47 the creation of attractive nuisances; and

48 **WHEREAS**, Senate Bill 1030 is silent on the topic of local government
49 regulation and, consistent with Florida caselaw governing preemption, local governments are
50 therefore not preempted from regulating marijuana uses; and

51 **WHEREAS**, the City Commission has determined that it is in the best interests of
52 the citizenry and general public to provide appropriate business regulations to ensure the
53 compatibility of any business related to marijuana with the surrounding businesses, properties,
54 and community, as well as the safety of the employees, neighbors, customers and area residents;
55 and

56 **WHEREAS**, the City Commission conducted a first and second reading of this
57 Ordinance at duly noticed public hearings, as required by law, and after having received input from
58 and participation by interested members of the public and staff, the City Commission has
59 determined that this Ordinance is in the best interest of the City, its residents, and its visitors.

60 NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE
61 CITY OF CORAL GABLES, FLORIDA:

62 **SECTION 1.** The foregoing “WHEREAS” clauses are hereby ratified and
63 confirmed as being true and correct and are hereby made a specific part of this Ordinance upon
64 adoption hereof.

65 **SECTION 2.** The Official Code of Ordinances of the City of Coral Gables is
66 hereby amended as follows (changes in ~~strike-through~~ / underline format):

67 **ARTICLE V. MARIJUANA SALES**

68
69 **Sec. 14-160. Definitions.**

70
71 The following words, terms and phrases, when used in this Article, shall have the meanings
72 ascribed to them in this section, except where the context clearly indicates a different meaning:

73
74 *Applicant.* An individual or business entity desiring to operate a Medical Marijuana Retail
75 Center within the City limits.

76
77 *Business Operating Name.* The legal or fictitious name under which a Medical Marijuana Retail
78 Center conducts its business with the public.

79

80 Employee. A person authorized to act on behalf of the Medical Marijuana Retail Center, whether
81 that person is an employee or a contractor, and regardless of whether that person receives
82 compensation.

83
84 Identification Tag. A tamperproof card issued by the City to the persons involved with a
85 Medical Marijuana Retail Center as evidence that they have passed the background checks and
86 other requirements of this Article and are authorized to be present on the Premises.

87
88 Marijuana. Any strain of marijuana or cannabis, in any form, that is authorized by state and
89 federal law to be dispensed or sold in the State of Florida. Also referred to as “Medical
90 Marijuana.”

91
92 Medical Marijuana Permit. A permit issued by the City pursuant to this Article authorizing a
93 business to sell Marijuana in the City. Also referred to as “Permit.”

94
95 Medical Marijuana Retail Center. A retail establishment, licensed by the Florida Department of
96 Health as a “medical marijuana treatment facility,” “medical marijuana treatment center,”
97 “dispensing organization,” “dispensing organization facility” or similar use, that sells and
98 dispenses medical marijuana, but does not engage in any other activity related to preparation,
99 wholesale storage, distribution, transfer, cultivation, or processing of any form of Marijuana or
100 Marijuana product, and does not allow on-site consumption of Marijuana. A Medical Marijuana
101 Treatment Center shall not be construed to be a Medical Marijuana Retail Center.

102 Medical Marijuana Treatment Center. Any facility licensed by the Florida Department of
103 Health to acquire, cultivate, possess, process (including development of related products such as
104 food, tinctures, aerosols, oils, or ointments), transfer, transport, sell, distribute, dispense, store, or
105 administer Marijuana, products containing Marijuana, related supplies, or educational materials,
106 as authorized by state law. A Medical Marijuana Treatment Center may include retail sales or
107 dispensing of Marijuana. A facility which provides only retail sales or dispensing of Marijuana
108 shall not be classified as a Medical Marijuana Treatment Center under this Article. Also may be
109 referred to as a “Medical Marijuana Treatment Facility” or “dispensing organization” or other
110 similar term recognized by state law.

111 Owner. Any person, including any individual or other legal entity, with a direct or indirect
112 ownership interest of 5% or more in the Applicant, which interest includes the possession of
113 stock, equity in capital, or any interest in the profits of the Applicant.

114 Premises. The building, within which a Medical Marijuana Retail Center is permitted to operate
115 by the City, including the property on which the building is located, all parking areas on the
116 property or that are utilized by the Medical Marijuana Retail Center and sidewalks and alleys
117 within 100’ of the property on which the Medical Marijuana Retail Center is located.

118
119 Qualified registered patient/Qualified patient. A resident of the State of Florida who has been
120 added to the State’s compassionate use registry by a physician licensed under chapter 458 or
121 chapter 459, Florida Statutes to receive Medical Marijuana from a dispensing organization or
122 Medical Marijuana Treatment Center or similar use as defined in Florida Statutes.

123

124 **Sec. 14-161. Zoning, permit and identification tag required.**

125 (a) No application for a Medical Marijuana Permit as provided in this Article shall be
126 approved, unless the use is permitted under state and federal law. Specifically, the City will not
127 allow any Medical Marijuana Permit to be issued if such use is unlawful in the opinion of the
128 City Attorney under either state or federal law.

129
130 (b) No application for a Medical Marijuana Permit shall be approved until the appropriate
131 provisions of the Zoning Code have been complied with and the required zoning approval
132 obtained.

133
134 (c) It shall be unlawful for any business or person to operate a Medical Marijuana Retail
135 Center, or to otherwise offer for sale or in any way participate in the conduct of any activities
136 upon the Premises within the City without first obtaining a Medical Marijuana Permit issued by
137 the City pursuant to this Article.

138
139 (d) Each person employed in the conduct of such activity shall be screened and individually
140 approved pursuant to this Article before the Center opens for business or, for persons who
141 become involved with the Center after it is open, before having any involvement in the Center's
142 activities. Such Permit or individual approval shall not be transferable; each person must obtain
143 a Medical Marijuana Permit or individual approval, as applicable, directly from the City.

144
145 **Sec. 14-162. Applications for permit; investigation and issuance; term.**

146 (a) *Application.* Applications for a Medical Marijuana Permit shall be made to the City during
147 regular business hours upon such forms and with such accompanying information as may be
148 established by the City. Such application shall be sworn to or affirmed. The application shall
149 contain at least the following information and shall be accompanied by the following documents:

150 (1) The Business Operating Name and all Applicant and Owner information. If the
151 Applicant or Owner is:

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

155 b. A partnership, the full and complete name of the partners, home addresses and
156 business addresses, dates of birth, copies of driver's licenses or state or federally
157 issued identification cards of all partners, and all aliases used by all of the partners,
158 whether the partnership is general or limited, a statement as to whether or not the
159 partnership is authorized to do business in the State of Florida and, if in existence, a
160 copy of the partnership agreement (if the general partner is a corporation, then the
161 Applicant shall submit the required information for corporate applicant in addition to
162 the information concerning the partnership); or

163 c. A corporation, the exact and complete corporate name, the date of its
164 incorporation, evidence that the corporation is an active Florida corporation, the legal
165 names, home addresses and business addresses, and dates of birth, copies of driver's

166 licenses or state or federally issued identification cards of all officers, and directors,
167 and all aliases used, the capacity of all officers, and directors, and, if applicable, the
168 name of the registered corporate agent, and the address of the registered office for
169 service of process, and a statement as to whether or not each corporation is authorized
170 to do business in the State of Florida.

171 d. The addresses required by this Section shall be physical locations, and not post
172 office boxes.

173 (2) A complete copy of the business' application to the State of Florida and all related
174 exhibits, appendices, and back up materials for approval and licensure as a Medical
175 Marijuana Treatment Center.

176 (3) A statement as to whether the Applicant or any Owner or Employee has:

177 a. previously received a Medical Marijuana Permit, individual approval or
178 Identification Tag from the City;

179 b. had a previous permit issued under this Code suspended or revoked, or by court
180 order, been required to cease operation, including the name and location of the
181 establishment for which the permit was suspended or revoked, as well as the date of
182 the suspension or revocation.

183 (4) A statement as to whether the Applicant or any Owner or Employee:

184 a. has been a partner in a partnership or an officer or director of a corporation
185 whose permit or license issued under this Code has previously been suspended or
186 revoked, including the name and location of the establishment for which the permit or
187 license was suspended or revoked, as well as the date of the suspension or revocation;

188 b. holds other permits or licenses under this Code and, if so, the names and
189 locations of such other permitted or licensed establishments.

190 (5) A statement as to whether or not the Applicant or any Owner or Employee has been
191 found guilty of or has pleaded guilty or nolo contendere to a felony relating to:

192 a. any business in this State or in any other state or Federal court, regardless of
193 whether a judgment of conviction has been entered by the court having jurisdiction of
194 such cases;

195 b. a battery or a physical violence on any person in this State or in any other state
196 or Federal court, regardless of whether a judgment of conviction has been entered by
197 the court having jurisdiction of such cases.

198 (6) A statement as to whether or not the Applicant or any Owner has lost any privilege or
199 had any permit or license to do business:

200 a. revoked by any local, state or Federal government and, if so, the nature of such
201 privilege, permit or license and the reason for such revocation;

202 b. suspended by any local, state or Federal government and, if so, the nature of
203 such privilege, permit or license and the reason for such suspension.

204 ~~(7) A statement as to whether or not the Applicant or any Owner has filed a petition to~~
205 ~~have their respective debts discharged by a bankruptcy court having jurisdiction of such~~
206 ~~cases.~~

207 (7) Written documentation that the Applicant, every Owner, and each Employee has
208 successfully completed Level-2 background screening within the year prior to the date of
209 application.

210 (8) A passport photograph of the Applicant, every Owner, and each Employee.

211 (9) The location of the proposed Medical Marijuana Retail Center, including a legal
212 description of the property site, and a legal street address.

213 (10) A copy of the application for the zoning certificate of use.

214 (11) A notarized, signed, and sworn statement that the information within the application
215 is truthful, independently verifiable, and complete and that the photocopies of the attached
216 driver's licenses or state or federally issued identification cards are true and correct copies
217 of the originals.

218 (b) Application Fee. In addition to demonstrating compliance with this Article, each Permit
219 application shall be accompanied by the appropriate application fee established by resolution of
220 the City Commission, which shall be retained by the City to cover its administrative costs and
221 expenses incurred in reviewing and administering the Permit program, irrespective of the
222 issuance or denial of the application.

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

226 **Sec. 14-163. Application review and issuance of permit.**

227 (a) Investigation. The City shall conduct and complete an investigation of the application and
228 shall, within 30 days, either

229 (1) Notify the Applicant that the Permit has been denied and the reason for such denial;
230 or

231 (2) Issue a Medical Marijuana Permit, with or without conditions.

232 (b) Denial. The City shall deny the application if:

233 (1) The application violates or fails to meet the provisions of this Code, any building, fire
234 or zoning code, statute, ordinance, or regulation;

235 (2) The application contains material false information, or information material to the
236 decision was omitted; failure to list an individual required to be listed, and whose listing
237 would result in a denial, is presumed to be material false information for purposes of denial
238 of the application; the certification that the permittee owns, possesses, operates and
239 exercises control over the proposed or existing Medical Marijuana Retail Center is a
240 material representation for purposes of this Section;

241 (3) The Applicant or any Owner has a permit under this Code, or has had a permit under
242 this Code, which has been suspended or revoked;

243 (4) The granting of the Medical Marijuana Permit would violate a statute or ordinance, or
244 an order from a court of law that prohibits effectively the Applicant from obtaining a
245 Medical Marijuana Permit;

246 (5) The Applicant, an Employee, or any Owner has been convicted of fraud or felony by
247 any state or Federal court within the past five (5) years or less than five (5) years has
248 elapsed since the date of release from confinement imposed for the conviction, whichever
249 is the later date, if the conviction is of a felony offense; or

250 (6) The Applicant, an Employee, or any Owner has obtained any governmental permit by
251 fraud or deceit.

252 (7) The granting of the Medical Marijuana permit would violate either state or federal law
253 in the opinion of the City Attorney.

254 (c) *Reapplication.* If a Person applies for a Medical Marijuana Permit at a particular location
255 within a period of one year from the date of denial of a previous application for a Medical
256 Marijuana Permit at the location, and there has not been an intervening change in the
257 circumstances material to the decision regarding the former reason(s) for denial, the application
258 shall not be accepted for consideration.

259 **Sec. 14-164. Permit form, term and renewal.**

260 (a) *Contents.* A Medical Marijuana Permit shall state on its face the name of the permittee,
261 the business name and street address, local residential and legal domiciliary residential address of
262 the permittee, a 24-hour working phone number, the date of issuance, and the date of expiration.

263 (b) *Term.* All Medical Marijuana Permits issued under this Article shall be annual permits
264 that shall commence running on October 1, on which date they shall have been paid for, and
265 shall expire on September 30 of the following year.

266 (c) *Renewal.* A Medical Marijuana Permit shall be entitled to renewal annually subject to the
267 provisions of this Article. Before the October 1 expiration date, the annual Medical Marijuana
268 Permit may be renewed by presenting the Medical Marijuana Permit for the previous year, and:

269 (1) Paying the appropriate permit fee;

270 (2) Updating the information supplied with the latest application or certifying that the
271 information supplied previously remains unchanged; and

272 (3) Providing proof of continued compliance with all State and City permits and licenses
273 and operational and zoning requirements.

274 (d) *Expiration.* A Medical Marijuana Permit shall expire for failure to obtain a renewal
275 pursuant to this Article by September 30.

276 (e) *Cancellation.* A Medical Marijuana Permit not renewed by November 30 shall be deemed
277 expired and unavailable for renewal by the City unless such permit is involved in litigation.
278 The Applicant may reapply for a Medical Marijuana Permit. Upon the payment of the
279 application fee, satisfaction of the application requirements, and payment of the Permit fee,
280 operation of the Medical Marijuana Retail Center may continue.

281 (f) *Annual Permit Fees.* The annual permit fees under this Article for a Medical Marijuana
282 Retail Center shall be set by resolution of the Commission.

283 **Sec. 14-165. Medical Marijuana Permit transferability.**

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

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

289 **Sec. 14-166. Background checks, photograph and Identification Tag.**

290 In connection with the issuance of a Medical Marijuana Permit, the City may, upon verification
291 of successful level 2 background screening, cause an Identification Tag to be issued to each
292 approved Applicant for a Permit as well as for each Owner and each Employee. On the face of
293 each Identification Tag or individual approval, there shall be placed the following:

294 (a) A photograph of the Applicant/Owner/Employee;

295 (b) The Permit number;

296 (c) The Permit holder's name and address;

297 (d) The name and address of the Medical Marijuana Retail Center that the
298 Applicant/Owner/Employee represents or is employed by; and

299 (e) The expiration date of the Permit.

300 **Sec. 14-167. Medical Marijuana Permit Revocation.**

301 (a) Any Medical Marijuana Permit issued under this Article shall be revoked if any one or
302 more of the following occurs:

303 (1) The Applicant provides false or misleading information to the City;

304 (2) Anyone on the premises knowingly dispenses, delivers, or otherwise transfers any
305 Marijuana or Marijuana product to an individual or entity not authorized by state law to
306 receive such substance or product;

307 (3) The Applicant, an Owner or a manager is convicted of a felony offense;

308 (4) Any Applicant, Owner, manager or Employee is convicted of any drug-related
309 crime under Florida Statutes;

310 (5) The Applicant fails to correct any City violation or to otherwise provide an action
311 plan to remedy the violation acceptable to the City Manager within 30 days of citation;

312 (6) The Applicant fails to correct any state violation or address any warning in
313 accordance with any corrective action plan required by the State within the timeframes and
314 completion date the Applicant provided to the City;

315 (7) The Applicant's State license or approval authorizing the dispensing of Medical
316 Marijuana expires or is revoked; or

317 (8) Any conditional use approval granted by the City for the use of a Medical
318 Marijuana Retail Center at a particular location expires or is revoked.

319 (b) Violation of regulations. In the event of a Code violation, violation of the conditions of the
320 Medical Marijuana Permit or Conditional Use Approval, or other violation of the laws applicable
321 to the Medical Marijuana Retail Center, the City shall issue a warning notice and the Applicant
322 shall, no later than twenty (20) business days after receipt of the notice, provide a copy of a
323 corrective action plan and timeframes and completion date to address the identified issues to the
324 City.

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

329 (d) Revocation. In the event the City determines there are grounds for revocation as provided
330 in this Article, the City shall notify the permittee of the intent to revoke the Medical Marijuana
331 Permit and the grounds upon which such revocation is proposed. The permittee shall have ten
332 business days in which to provide evidence of compliance with this Article. If the permittee fails
333 to show compliance with this Article within ten business days, the City shall schedule a hearing

334 before the Special Magistrate. If the Special Magistrate determines that a permitted Medical
335 Marijuana Retail Center is not in compliance with this Article the City shall revoke the Medical
336 Marijuana Permit and shall notify the permittee of the revocation. Nothing in this Article shall
337 take away other enforcement powers of the Special Magistrate or any other agency provided by
338 the Code or statute.

339 (e) *Effect of revocation.* If a Medical Marijuana Permit is revoked, the permittee shall not be
340 allowed to obtain another Medical Marijuana Permit for a period of two years.

341 (f) *Effective date.* The revocation shall take effect 15 days, including Saturdays, Sundays, and
342 holidays, after the date the City mails the notice of revocation to the permittee or on the date the
343 permittee surrenders his or her Medical Marijuana Permit to the City , whichever occurs first.

344 **Sec. 14-168. General requirements.**

345 Each Medical Marijuana Retail Center shall observe the following general requirements:

346 (a) Conform to all applicable building statutes, codes, ordinances, and regulations, whether
347 federal, State, or local;

348 (b) Conform to all applicable fire statutes, codes, ordinances, and regulations, whether
349 federal, State, or local;

350 (c) Conform to all applicable health statutes, codes, ordinances, and regulations, whether
351 federal, State, or local;

352 (d) Conform to all applicable zoning regulations and land use Laws, whether State or local,
353 including but not limited to the City Zoning Code; and

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

357 **Sec. 14-169. Permit operation requirements.**

358 Any business operating under a Medical Marijuana Permit shall comply with the following
359 operational guidelines.

360 (a) *Hours of operation.*

361 (1) Operation is permitted only between the hours of 8 A.M. and 6 P.M. Monday through
362 Saturday.

363 (2) No operation is permitted on Sundays or state or federal holidays.

364 (b) *On-Site consumption of Marijuana.* No Medical Marijuana Retail Center shall allow any
365 Marijuana to be smoked, ingested or otherwise consumed on the Premises. The Medical
366 Marijuana Retail Center shall take all necessary and immediate steps to ensure compliance

367 with this paragraph. No person shall smoke, ingest or otherwise consume Marijuana on the
368 Premises.

369 (c) Alcohol prohibited. No Medical Marijuana Retail Center shall allow the sale, service, or
370 consumption of any type of alcoholic beverages on the Premises including in the
371 surrounding rights-of-way. The Medical Marijuana Retail Center shall take all necessary
372 and immediate steps to ensure compliance with this paragraph. No person shall consume
373 an alcoholic beverage on the Premises.

374 (d) Outdoor activity. There shall be no outdoor displays, sales, promotions, or activities of any
375 kind permitted on the Premises, including the surrounding rights-of-way. All activities
376 and business shall be conducted within the confines of the permanent building containing
377 the Medical Marijuana Retail Center.

378 (e) On-site storage. There shall be no on-site storage of any form of Marijuana or Marijuana
379 product, except as reasonably necessary for the conduct of the Medical Marijuana Retail
380 Center's on-site business.

381 (f) Live plant materials. No living Marijuana plants are permitted on the site of a Medical
382 Marijuana Retail Center.

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

388 (h) Garbage. Marijuana refuse or waste products containing any amount, type or by-product
389 of Marijuana shall be destroyed on-site at least once every 24 hours.

390 (i) Security. With the application, the Applicant shall submit a security plan demonstrating
391 compliance with Section 381.986, Florida Statutes and all other applicable statutes and
392 State administrative rules.

393 (1) In addition to proving compliance with all State requirements, the security plan shall,
394 at a minimum, provide the following:

395 a. Fully operational lighting and alarms reasonably designed to ensure the safety
396 of persons and to protect the Premises from theft, both in the Premises and in
397 the surrounding rights-of-way, including:

398 1. a silent security alarm that notifies the Police Department or a private
399 security agency that a crime is taking place;

400 2. a vault, drop safe or cash management device that provides minimum
401 access to the cash receipts; and

402 3. a security camera system capable of recording and retrieving an image
403 which shall be operational at all times during and after business hours; The
404 security cameras shall be located:

405 i. at every ingress and egress to the dispensary, including doors and
406 windows;

407 ii. on the interior where any monetary transaction shall occur; and

408 iii. at the ingress and egress to any area where Medical Marijuana is
409 stored;

410 b. Traffic management and loitering controls;

411 c. Cash and inventory controls for all stages of operation on the Premises, and
412 during transitions and delivery; and

413 d. On-site security 24 hours a day, seven days a week.

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

422 (3) Any instance of breaking and entering at a Medical Marijuana Retail Center,
423 regardless of whether Marijuana or Marijuana-based products are stolen, shall
424 constitute a violation of this Article if the security alarm shall fail to activate
425 simultaneous with the breaking and entering.

426 (j) Odor and air quality. A complete air filtration and odor elimination filter and scrubber
427 system shall be provided ensuring the use will not cause or result in dissemination of dust,
428 smoke, or odors beyond the confines of the building, or in the case of a tenant in a multi-tenant
429 building, beyond the confines of the occupied space. A double door system shall be provided at
430 all entrances to mitigate odor intrusion into the air outside the Medical Marijuana Retail Center.

431 (k) Signage. Notwithstanding other provisions of this Code and the City Zoning Code, signage
432 for a Medical Marijuana Retail Center shall be limited as follows:

433 (1) One (1) Wall Sign, not to exceed 18 square feet;

434 (2) No other signage, except as required by this subsection, shall be allowed;

- 435 (3) Graphics, symbols and logos are prohibited;
- 436 (4) Neon shall be prohibited;
- 437 (5) Signs shall not be internally illuminated;
- 438 (6) Signs may be externally illuminated only during hours of operation;
- 439 (7) A Medical Marijuana Retail Center shall post, at each entrance to the Medical
440 Marijuana Retail Center the following language:

441 ONLY INDIVIDUALS WITH LEGALLY RECOGNIZED MARIJUANA OR
442 CANNABIS QUALIFYING PATIENT OR CAREGIVER IDENTIFICATION
443 CARDS OR A QUALIFYING PATIENT'S LEGAL GUARDIAN MAY OBTAIN
444 MARIJUANA FROM A MEDICAL MARIJUANA RETAIL CENTER.

445 The required text shall be a minimum one-half inch in height.

446 (l) *On-site community relations contact.* The Medical Marijuana Retail Center shall provide
447 the City Manager, and all property owners and occupants of property located within five hundred
448 (500) feet of the entrance to its building, with the name, phone number, and e-mail or facsimile
449 number of an on-site community relations staff person to whom they can provide notice during
450 and after business hours to report operating problems. The Medical Marijuana Retail Center
451 shall make every good faith effort to encourage neighbors to call this person to try to solve
452 operating problems, if any, before any calls or complaints are made to the Police Department or
453 other City officials.

454 (m) *Employment restrictions.* It shall be unlawful for any Medical Marijuana Retail Center to
455 employ any person who:

456 (1) is not at least 21 years of age; and

457 (2) has not passed a level 2 background screening.

458 (n) *Persons allowed to enter the Premises.*

459 (1) *Underage entry.* It shall be unlawful for any Medical Marijuana Retail Center to
460 allow any person who is not at least 18 years of age on the Premises during hours of
461 operation, unless that person is authorized by State and federal law to purchase Medical
462 Marijuana, whether as a qualified patient with a valid identification card or primary
463 caregiver or legal guardian of a qualified patient with a valid identification card.

464 (2) *Entry by persons authorized by State law.* It shall be unlawful for any Medical
465 Marijuana Retail Center to allow any person on the Premises during the hours of operation
466 if that person is not authorized by State and federal law to be there. Authorized persons,
467 such as Owners, managers, Employees and qualified registered patients, their legal
468 guardians, qualified registered caregivers must wear an identifying badge, and authorized

469 inspectors and authorized visitors must wear a visitor identifying badge and be escorted and
470 monitored at all times by a Medical Marijuana Retail Center Employee wearing his or her
471 identifying badge.

472 (o) *Product visibility.* No Marijuana or product of any kind may be visible from any window
473 or exterior glass door.

474 (p) *Delivery Vehicle Identification.* For security purposes, no vehicle used in the operation of
475 or for the business purposes of a Medical Marijuana Retail Center shall be marked in such a
476 manner as to permit identification with the Medical Marijuana Retail Center.

477 (q) *Sole business.* The Medical Marijuana Retail Center shall be the only use permitted on the
478 property if the Center is located in a freestanding building, or within the Medical Marijuana
479 Retail Center tenant space if the Center is part of a multi-tenant structure.

480 (r) *Loitering.*

481 (1) A Medical Marijuana Retail Centers shall provide adequate indoor seating for its
482 customers, clients, patients and business invitees.

483 (2) Customers, clients, patients or business invitees shall not be directed, encouraged or
484 allowed to stand, sit (including in a parked car for any period of time longer than
485 reasonably required for a person's passenger to conduct their official business and depart),
486 or gather or loiter outside of the building where the Center is operating, including in any
487 parking areas, sidewalks, rights-of-way, or neighboring properties.

488 (3) Pedestrian queuing or loitering at any time, including prior to business hours, outside
489 of the Center's building is prohibited.

490 (s) *Queuing of Vehicles.* All Medical Marijuana Retail Centers shall ensure that there is no
491 queuing of vehicles in the adjacent rights-of-way, drive aisles of the property's parking lot or on
492 any adjacent properties.

493 (t) *No Drive-Through or Outdoor Service.* Drive-through, drive-in or drive-up services or
494 related service aisles are prohibited. All business transactions including payment and receipt of
495 merchandise shall occur inside the building or tenant space.

496 (u) *Compliance with federal and state regulations and licensure requirements.* A Medical
497 Marijuana Retail Center must comply with all federal and state laws, licensing and
498 regulatory requirements.

499 (1) A Medical Marijuana Retail Center shall notify the City within two (2) business days
500 of receipt of any notice of violation or warning from the State or of any changes to its State
501 licensing approvals.

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

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SECTION 3. The Official Code of Ordinances of the City of Coral Gables is hereby amended as follows (changes in ~~strike-through~~ / underline format):

Sec. 38-6. - Reserved. Public consumption of marijuana.

It shall be unlawful for any person to smoke, ingest or consume marijuana, medical marijuana, cannabis, or Low-THC cannabis as defined in Section 14-160 of this Code or Florida Statutes, in any form in any public building, public right-of-way, or public space within the City.

SECTION 4. The City Commission hereby affirms the policy that the City shall approve only those uses, businesses and activities which are legal and permitted under state and federal law. No use, business or activity which is illegal under state or federal law shall be tolerated, supported, or approved within the City. Specifically, the City will not allow any Medical Marijuana Retail Center or other type of marijuana related business as long as such business or activity is impermissible under state and federal law in the opinion of the City Attorney.

SECTION 5. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 6. All ordinances or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

SECTION 7. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the City Code of Ordinances of the City of Coral Gables, Florida, which provisions may be renumbered or re-lettered and that the word ordinance be changed to "section", "article", or other appropriate word to accomplish such intention.

SECTION 8. This Ordinance shall become effective _____, 2014.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2014.

APPROVED:

JIM CASON
MAYOR

ATTEST:

WALTER FOEMAN

APPROVED AS TO FORM

545 CITY CLERK
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547
548
549

AND LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY

DRAFT