

ORDINANCE NO. 2019-06

AN ORDINANCE OF THE CITY OF CLEWISTON, FLORIDA, AMENDING ARTICLE VII SECTION 22-152 OF THE CODE OF LAWS AND ORDINANCES OF THE CITY OF CLEWISTON, PROVIDING FOR THE EXCLUSION OF HEMP-BASED LOW-THC CBD OIL FROM THE DEFINITION OF "CANNABIS"; PROVIDING FOR INCLUSION IN THE CODE, CONFLICT AND SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Sale of CBD oil is prohibited within the City of Clewiston, pursuant to Sec. 22-152; and

WHEREAS, Florida Statutes § 381.986 allows for the sale of certain CBD oil.

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF CLEWISTON THAT:

**SECTION 1.** Article VII. – CANNABIS DISPENSING FACILITIES, Sec. 22-152. – Definitions, is hereby amended to read:

- (a) The following words or phrases, when used in this article, shall have the means ascribed to them in this section:

*Cannabis* (marijuana) means all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. **The term does not include "low-THC cannabis," as defined in s. 381.986, if manufactured, possessed, sold, purchased, delivered, distributed, or dispensed, in conformance with s. 381.986. The term also does not include "industrial hemp" the plant *Cannabis sativa L.* and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis, as allowed under 7 U.S.C. § 5940.**

*Cannabis dispensing business or business* means a business location offering cannabis for retail sale pursuant to a license to dispense cannabis issued under applicable law, including medical marijuana treatment center dispensary facilities.

*Chapter 2017-232* means the 2017 Senate Bill 8-A, as signed by the governor on June 23, 2017.

*City* means the municipal limits of the City of Clewiston, Florida.

*State* means the State of Florida

- (b) In addition to the definitions contained in subsection (a), other terms used in this article shall have the meaning ascribed to them in Chapter 2017-232, Florida Law, and are incorporated into this article by reference.

**SECTION 2.** **INCLUSION IN THE CODE OF ORDINANCES.** The provisions of this ordinance shall become and be made a part of the City Code of Ordinances and the sections of these ordinances may be renumbered and codified to accomplish this end. The Appendix and Zoning Map will be changed to correspond to this ordinance.

**SECTION 3.** **CONFLICT.** All ordinances or parts of ordinances in conflict herewith are hereby repealed. All ordinances or parts of ordinances not specifically in conflict herewith are hereby continued in full force and effect.

**SECTION 4.** **SEVERABILITY.** If any part of these ordinances are declared invalid by a court of competent jurisdiction, such part or parts shall be severable, and the remaining part or parts shall continue to be in full force and effect.

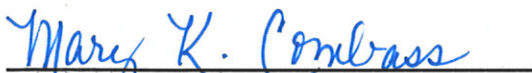
**SECTION 5.** **EFFECTIVE DATE.** These ordinances shall take effect immediately upon its passage and approval consistent with all requirements of general law.

**PASSED** on first reading by the City Commission on August 19, 2019.

**PASSED AND ADOPTED** on second and final reading by the City Commission on September 23, 2019.

**ATTEST:**

**CITY OF CLEWISTON, FLORIDA**



Mary K. Combass, City Clerk



Mali Gardner, Mayor

**(MUNICIPAL SEAL)**

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY**

**By:**   
Gary M. Brandenburg, City Attorney