

ORDINANCE 150-2024

AN ORDINANCE PROHIBITING ALL CANNABIS BUSINESS OPERATIONS IN THE CITY OF NICHOLASVILLE, KENTUCKY.

WHEREAS, on March 31, 2023, the governor signed into law Senate Bill 47 which establishes the licensing and regulation of the cultivation, processing, sale, distribution, and use of marijuana and related activities for medicinal purposes; and

WHEREAS, the Act authorizes the Cabinet for Health and Family Services to issue licenses to the following businesses:

- (a) Tier I cannabis cultivator;
- (b) Tier II cannabis cultivator;
- (c) Tier III cannabis cultivator;
- (d) Tier IV cannabis cultivator;
- (e) Cannabis dispensary;
- (f) Cannabis processor;
- (g) Cannabis producer; or
- (h) Cannabis safety compliance facility; and

WHEREAS, KRS 218B.130(2)(b) authorizes a local government to prohibit all cannabis business operations within its territory through the passage of an ordinance; and

WHEREAS, due to the present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on Kentucky municipalities in general, and on the City of Nicholasville in particular, it is necessary and appropriate, and in the best interest of the health, safety, and welfare of the City of Nicholasville's residents and members of the public who visit, travel, or conduct business in the City of Nicholasville to prohibit all cannabis business within the geographic boundaries of the City of Nicholasville; and

WHEREAS, the Cabinet for Health and Family Services is currently drafting regulations regarding cannabis business operations which have not yet been vetted or reviewed, and the legislature of the Commonwealth of Kentucky is contemplating legislation to begin issuing licenses to these business operations as early as July, 2024 and, due to the lack of time and information regarding the City of Nicholasville's ability to regulate the time, place, and manner of cannabis business operations, the Board of Commissioners of the City of Nicholasville have determined that it is in the best interest of the citizens and residents of the City to prohibit these business operations at this time in order for the appropriate City departments to study the impact of the siting, zoning, and regulatory measures that may be required with regard to cannabis business operations in the corporate limits of the City; and

WHEREAS, the City of Nicholasville wishes to utilize the authority granted to it by KRS 218B.130(2)(b).

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Nicholasville as follows:

Section 1: Definitions

As used in this ordinance, the terms below shall have the following meanings:

1. "Cabinet" means the Cabinet for Health and Family Services;
2. "Cannabis business" means an entity licensed under this chapter as a cultivator, dispensary, processor, producer, or safety compliance facility;
3. "Cultivator" means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090;
4. "Dispensary" means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090;
5. "Medicinal cannabis" means
 - (a) marijuana as defined in KRS 218A.010 when cultivated, harvested, processed, produced, transported, dispensed, distributed, sold, possessed, or used in accordance with this chapter;
 - (b) includes medicinal cannabis products and raw plant material; and
 - (c) does not include industrial hemp or industrial hemp products as defined in KRS 260.850;
6. "Processor" means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090;
7. "Producer" means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090; and,
8. "Safety compliance facility" means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090.

Section 2: Cannabis Businesses Prohibited

1. All cannabis businesses are hereby prohibited from operating in the corporate city limits of Nicholasville, Kentucky.
2. "Cannabis business" means any entity licensed under Chapter 218B of the Kentucky Revised Statutes as a cultivator, dispensary, processor, producer, or safety compliance facility.

Section 3:

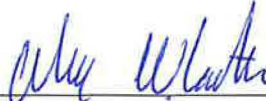
If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the

validity of the remaining portions hereof. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

This Ordinance shall take effect upon adoption, execution, and publication.

FIRST READING (INTRODUCTION): March 11, 2024

SECOND READING AND ADOPTION: March 25, 2024



Alex W. Carter,
Mayor

Attest:



City Clerk

PUBLIC NOTICE

**NOTICE OF ENACTMENT
OF ORDINANCE**

Notice is hereby given that on March 25, 2024, the Nicholasville City Commission enacted an ordinance; the full text of which is available for inspection in the office of the City Clerk, 517 North Main Street, Nicholasville, KY. The ordinance by title and summary: **ORDINANCE 150-2024: AN ORDINANCE PROHIBITING ALL CANNABIS BUSINESS OPERATIONS IN THE CITY OF NICHOLASVILLE, KENTUCKY.** (Due to the present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on the City of Nicholasville, this Ordinance prohibits all cannabis business within the geographic boundaries of the City of Nicholasville.)

Kathy Walker, City Clerk
April 4, 2024

Jessamine Journal:
Apr. 4, 2024
ORD 150-2024

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SUMMARY

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Publisher's Certificate of Publication

STATE OF KENTUCKY

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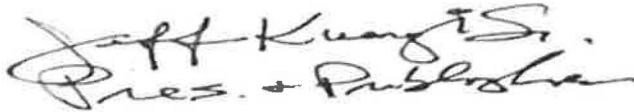
Jeff Kuerzi, being duly sworn, on oath says he is and during all times herein stated has been an employee of The Bluegrass Newsmedia, publisher and printer of the Jessamine Journal. (The "Newspaper"), has full knowledge of the facts herein stated as follows:

1. The Newspaper printed the copy of the matter attached hereto (the "Notice") was copied from the columns of the Newspaper and was printed and published in the English language on the following days and dates:

04/04/24

2. The sum charged by the Newspaper for said publication is the actual lowest classified rate paid by commercial customer for an advertisement of similar size and frequency in the same newspaper in which the Notice was published.

3. There are no agreements between the Newspaper, publisher, manager or printer and the officer or attorney charged with the duty of placing the attached legal advertising notice whereby any advantage, gain or profit accrued to said officer or attorney



Jeff Kuerzi, publisher

Subscribed and sworn to before me this
4th Day of April, 2024



Donna Flinchbaugh, Notary Public
Kentucky State at Large
KYNP78902
My commission expires 09-05-2027

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CITY OF NICHOLASVILLE
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NICHOLASVILLE KY 40340