

ORDINANCE NUMBER 2024-1

AN ORDINANCE PROHIBITING ALL CANNABIS BUSINESS OPERATIONS IN THE CITY OF WILMORE, 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, 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 Wilmore's ability to regulate the time, place, and manner of cannabis business operations, the City Council of the City of Wilmore has 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 Wilmore wishes to utilize the authority granted to it by KRS 218B.130(2)(b).

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF WILMORE, KENTUCKY, THAT THE FOLLOWING REGULATIONS AND REQUIREMENTS ARE HEREBY ADOPTED AS SET FORTH BELOW:

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 Wilmore, 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.

THE MOTION to accept this ordinance was made on the 3rd day of June 2024 by Councilmember Brumfield and seconded by Councilmember Deyer. Voting yes: (4) Voting no: (1).

GIVEN a second reading on the 17th day of June 2024 by Councilmember Brumfield and seconded by Councilmember Deyer. Voting yes: (4) Voting no (1).

APPROVED: 
Harold Rainwater, MAYOR

ATTEST: 
Donna Back, CITY CLERK