

COMMISSIONERS' ORDINANCE NO. O-19-24

AN ORDINANCE ENACTING A NEW CHAPTER OF THE COVINGTON CODE OF ORDINANCES, CHAPTER 128, TITLED "MEDICAL CANNABIS", PERMITTING THE SALE OF MEDICAL CANNABIS AND OPERATION OF MEDICAL CANNABIS BUSINESSES WITHIN THE CITY OF COVINGTON PURSUANT TO THE AUTHORITY GRANTED IN KRS 218B.090 AND 218B.130.

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WHEREAS, on April 15, 2024, the Kentucky General Assembly adopted House Bill 829, which was signed into law by the Governor on April 17, 2024, amending KRS 218B, the Kentucky law permitting medical cannabis; and

WHEREAS, the medical cannabis statutes provide that local governments have the option of allowing or not allowing the sale of medical cannabis and operation of medical cannabis businesses within their jurisdictions, or submitting the question to voters; and

WHEREAS, Kenton County, Kentucky enacted an ordinance prohibiting the sale of medical cannabis and operation of medical cannabis businesses within its jurisdiction; and

WHEREAS, KRS 218b.130(3)(a) authorizes local governments to permit the sale of medical cannabis and operation of medical cannabis businesses within their territories through the passage of an ordinance when the county that local government is located within prohibits all medical cannabis sales and operations; and

WHEREAS, the City of Covington Board of Commissioners has decided to utilize the authority of KRS 218B.090 and 218B.130 to allow the sale of medical cannabis and operation of medical cannabis businesses within the City of Covington, Kentucky.

NOW THEREFORE,
BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF COVINGTON, KENTON COUNTY, KENTUCKY AS FOLLOWS:

Section 1

A new chapter, Chapter 128, which reads as follows, is hereby added to and amend the Covington Code of Ordinances:

CHAPTER 128: MEDICAL CANNABIS

§ 128.01 DEFINITIONS.

The definitions within KRS 218B.010 are hereby adopted and incorporated by reference as if fully rewritten herein.

§ 128.02 SALE OF MEDICAL CANNABIS AND OPERATION OF ALL MEDICAL CANNABIS BUSINESSES PERMITTED.

The sale of medical cannabis to a registered qualified patient and the operation of all medical cannabis businesses permitted by Kentucky law are hereby permitted within the city limits of the City of Covington, Kentucky.

For determining the zoning districts where the operation of a Dispensary offering for sale medical cannabis directly to registered qualified patients is a permitted use under the Covington Neighborhood Development Code, such Dispensary shall be interpreted as a “Other Medical Facility (Pharmacy)”, as defined in Article 158.09, Section 9.27.3.M of the Covington Neighborhood Development Code.

For determining the zoning districts where the operation of a medical cannabis Cultivator business is a permitted use under the Covington Neighborhood Development Code, such Cultivator operation shall be interpreted as “Other Light Industrial”, as defined in Article 158.09, Section 9.27.3.L of the Covington Neighborhood Development Code.

For determining the zoning districts where the operation of a medical cannabis Processor business is a permitted use under the Covington Neighborhood Development Code, such Processor operation shall be interpreted as “Micro-Manufacturing”, as defined in Article 158.09, Section 9.27.3.M of the Covington Neighborhood Development Code.

For determining the zoning districts where the operation of a medical cannabis Safety Compliance Facility business is a permitted use under the Covington Neighborhood Development Code, such Safety Compliance Facility operation shall be interpreted as “Research, Testing, and Development Laboratory”, as defined in Article 158.09, Section 9.27.3.R of the Covington Neighborhood Development Code.

For determining the zoning districts where the operation of a medical cannabis Producer business is a permitted use under the Covington Neighborhood Development Code, such Producer operation shall be interpreted as a “Other Warehousing and Freight”, as defined in Article 158.09, Section 9.27.3.W of the Covington Neighborhood Development Code.

Section 2

The Covington Board of Commissioners hereby directs the City Manager to make recommendations, if any, regarding potential zoning regulations related to the sale of medical cannabis or the operation of medical cannabis businesses in Covington.


Section 3

The provisions of this chapter are severable. If any section, clause, sentence, part, or provision of this chapter shall be held illegal, invalid, or unconstitutional by any court

of competent jurisdiction, such decision of the court shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences, parts or provisions of this chapter. It is hereby declared to be the intent of the Board of Commissioners that this chapter would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence, part, or provision had not been included herein.

Section 4

This Ordinance shall take effect and be in full force upon its passage, approval, and publication as required by law.



MAYOR

ATTEST:



CITY CLERK

Passed: August 13, 2024 (Second Reading)

July 16, 2024 (First Reading)