

**ORDINANCE NO. 24-08-01**

**ORDINANCE PROHIBITING ALL CANNABIS BUSINESS OPERATIONS IN THE  
CITY OF CRAB ORCHARD**

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**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 Crab Orchard in particular, it is necessary and appropriate, and in the best interest of the health, safety, and welfare of the City of Orchard's residents and members of the public who visit, travel or conduct business in the City of Orchard to prohibit all cannabis business within the geographic boundaries of the City of Orchard; and

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

**NOW, THEREFORE, BE IT ORDAINED** by the City of Orchard as follows:

**Section 1**

**Definitions**

- (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;
- (8) "Safety compliance facility" means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090;

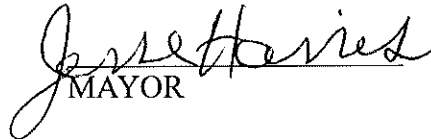
## Section 2

### Cannabis Businesses Prohibited

- (1) All cannabis businesses are hereby prohibited from operating in the city limits of Crab Orchard.
- (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

This Ordinance shall be effective immediately upon its enactment by the City of Orchard following second reading and publication in accordance with the requirements of applicable Kentucky law.

  
MAYOR

ATTEST:

  
CITY CLERK

Passed: 9/5/2024 (Second Reading)

August 1, 2024  
(First Reading)

**ORDINANCE NO. 24-08-01**

**AN ORDINANCE PROHIBITING ALL CANNABIS BUSINESS OPERATIONS IN THE CITY OF CRAB ORCHARD,  
KENTUCKY  
(BY SUMMARY)**

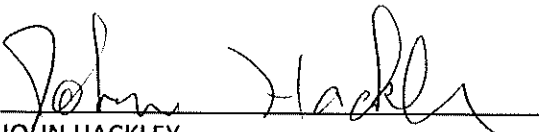
Comes John Hackley, an attorney licensed to practice in the Commonwealth of Kentucky, and hereby summarizes Ordinance No. 220.30 for the purposes of both reading and publication of the Ordinance, pursuant to KRS 83A.060(4) and (9).

The City of Crab Orchard's Ordinance, citing Senate Bill 47 and KRS 218B.130(2)(b), and repeating the definitions for various Cannabis related businesses as described in the legislative enactments above noted, passes the Ordinance enumerated above, prohibiting all cannabis businesses from operation in the City limits of the City of Crab Orchard, Kentucky.

  
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JESSE HARRIS, MAYOR

ATTEST:   
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NANCY BAKER, CITY CLERK

The foregoing is certified for reading and publication by the undersigned, this the 1<sup>st</sup> day of August, 2024.

  
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JOHN HACKLEY  
ATTORNEY AT LAW/CRAB ORCHARD, KENTUCKY CITY  
ATTORNEY