

**CITY OF RUSSELLVILLE, KENTUCKY
ORDINANCE 2024-03**

**AN ORDINANCE RELATING TO THE ALLOWANCE OF CANNABIS BUSINESS
OPERATIONS WITHIN THE CITY OF RUSSELLVILLE, KENTUCKY**

WHEREAS, ON April 15, 2024, the Kentucky General Assembly passed 2024 House Bill 829, signed into law by Governor Andy Beshear on April 17, 2024, that amends KRS Chapter 218B, which codifies the statutes governing the Kentucky Medical Cannabis Program;

WHEREAS, KRS 218B.130 authorizes municipalities to prohibit or approve cannabis business operations within the City through the passage of an ordinance;

WHEREAS, the City of Russellville hereby wishes to utilize the authority granted to it by KRS 218B.130 to allow and additionally regulate cannabis business operations within the city limits of Russellville.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of Russellville, Kentucky as follows:

1. General Provisions.

- a. The definitions within KRS 218B.010 are hereby adopted as if fully rewritten herein.
- b. Cannabis business operations are authorized to be conducted within the City only during the hours between 6:00 a.m. and midnight, prevailing time, Monday-Saturday, except that no operations may be conducted on Christmas. Cannabis business operations may only be conducted on Sundays between the hours of 1:00 p.m. and midnight, prevailing time.
- c. No signs referring to the use of cannabis directly or indirectly visible from the outside shall be permitted, except as any such reference may be contained in the

name of the business establishment. No flashing lights or neon lamps shall be used to illuminate signs unless approved by the sign committee, and all regulations regarding signs shall apply to cannabis business operations.

2. **Licensing.**

- a. No person, firm, or corporation shall do any act authorized by this Ordinance with respect to medical cannabis business operations, unless that person, firm, or corporation holds a license issued from the City of Russellville authorizing such.
- b. The following types of medical cannabis business licenses may be issued by the City and the initial license application fees and license renewal fees for each license shall be as follows:

<u>Type of License</u>	<u>Initial License Application Fee</u>	<u>License Renewal Fee</u>
Tier I Cultivator	\$500.00	\$1,000.00
Tier II Cultivator	\$1,000.00	\$2,000.00
Tier III Cultivator	\$1,250.00	\$3,000.00
Tier IV Cultivator	\$1,500.00	\$4,000.00
Processor	\$1,000.00	\$2,500.00
Producer	\$1,000.00	\$2,500.00
Dispensary	\$500.00	\$1,000.00
Safety Compliance Facility	\$500.00	\$1,000.00

- c. Applications for the issuance or renewal of all licenses provided for in this Ordinance shall be made to the Russellville Police Department's A.B.C. Administrator, who shall be the individual responsible for issuing any licensing

under this Ordinance. All applications shall include a complete copy of the application and all supporting documentation submitted for the corresponding state license together with all other information as may be requested by the City of Russellville. All license fees collected under this Ordinance shall be paid to and collected by the City Clerk.

- d. No license issued pursuant to this Ordinance shall be granted or renewed to any person or entity unless that person or entity first applies for and obtains an occupational license from the City. Any applicant for a license under this Ordinance, shall present a valid occupational license issued by the City with its application for a license under this Ordinance. Failure to hold a valid occupational license shall be grounds for denial of a license under this Ordinance. Furthermore, if a licensee's occupational license expires and is not immediately renewed at any time during the license period, the license issued for medical cannabis business operations may be subject to revocation or suspension.
- e. No license issued pursuant to this Ordinance shall be granted or renewed to any person or entity who is delinquent in the payment of any property taxes, both real and personal, any other taxes due to the City, fees of any type, or charges due to any department of the City at the time of issuing the license, nor may any license be granted or renewed to sell upon any premises or property, owned and occupied by the licensee upon which there are any of the above delinquent payments due and owing to the City. Further, if a licensee becomes delinquent in the payment of any of the above at any time during the license period, the license issued for medical cannabis business operations may be subject to revocation or suspension.

- f. All licenses under this Ordinance shall be valid for a period of no more than a year. All licenses shall expire on June 30 of each year.
- g. Any license issued under this Ordinance is required to be posted and at all times displayed in a conspicuous place in the room or principal room where the medical cannabis business operation is carried on, so that all persons visiting the place may readily see the license.
- h. No license provided for hereunder shall be issued, renewed, or transferred to any person, firm, or corporation until the person, firm, or corporation has obtained the issuance, renewal, or transfer of the state license corresponding thereto. The licensed premises covered by the City license must be the same as the licensed premises covered by the corresponding state license.
- i. The City license issued to any person, firm, or corporation shall remain valid only so long as the state license corresponding thereto, issued to the person, firm, or corporation, shall be valid. Any revocation, suspension, nonrenewal, or other action which makes the state license null and void shall operate to revoke, suspend, make nonrenewable, and thereby make null and void the city license corresponding thereto for the same period of time.
- j. Any license issued pursuant to this Ordinance, may be revoked or suspended if the licensee violates any provision of this Ordinance or any provision of any statute, law, or regulation relating to medical cannabis business operations.

3. Location.

- a. No cannabis business operation shall be located within two hundred (200) feet of any elementary or secondary school, daycare center as defined by KRS 199.894,

church, public park, or playground. The two hundred (200) feet distance shall be measured from the main entrance door of the cannabis business operation location.

- b. Any cannabis Processor, Producer, Dispensary, or Safety Compliance Facility within the City of Russellville may only be located in the General Commercial District, B-2 zoning district. Any cannabis Cultivator of any Tier within the City of Russellville may only be located in an Industrial zoning district.

4. **Penalty.**

- a. Any person, firm, or corporation who directly or indirectly violates any provision of this Ordinance, shall be guilty of a misdemeanor and for the first offense be fined not less than \$100 nor more than \$200, or be imprisoned for not more than six months, or both; for the second and each subsequent offense violations, shall be fined not less than \$200 nor more than \$500, or imprisoned for not more than 12 months or both. The penalties provided for in this section shall be in addition to the right of the City to revoke or suspend the offender's license.
5. The provisions of this Ordinance are severable. If any sentence, clause, or part of this Ordinance or the application thereof to any particular state of case is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or repeal any of the remaining provisions, sentences, clauses or sections or parts of this Ordinance, it being the legislative intent of this body to ordain and in act each other.
 6. All ordinances or parts of ordinances in conflict herewith now in effect, to the extent of said conflict, are hereby repealed.

7. This ordinance shall become effective upon passage and publication as required by law.

* * *

FIRST READING conducted on August 20th, 2024.

SECOND READING AND PASSAGE on September 3rd, 2024.

APPROVED:

By: *Mark Stratton*
Mark Stratton, Mayor
City of Russellville

ATTEST:

By: *Jennifer Manafix*
City Clerk
City of Russellville

At a meeting of the City Council of the City of Russellville, Kentucky, held on September 3rd, 2024, the foregoing ordinance was adopted, after full discussion, by the following vote:

AYES:

Sandra Kinser
Larry Wilcutt
Diane Walker

NAYS:

Jimmy Davenport
Pat Bell
Bill Decker

ABSENT:

ABSTAINING:

Mark Stratton, Mayor
Voted as per KRS 83A.130(5)



83A.130 Mayor-council plan -- Powers and duties of mayor and council.

- (1) The form of government provided in this section shall be known as the mayor-council plan and this section shall together with KRS 83A.010 to 83A.120 govern any city declared to be under the mayor-council plan by KRS 83A.020 or which has adopted the mayor-council plan pursuant to KRS 83A.160.
- (2) Each city under this section shall be governed by an elected executive who shall be called mayor and by an elected legislative body which shall be called the city council, and by such other officers and employees as may be provided for by statute or city ordinance.
- (3) The executive authority of the city shall be vested in and exercised by the mayor. The mayor shall enforce the mayor-council plan, city ordinances and orders and all applicable statutes. He shall supervise all departments of city government and the conduct of all city officers and employees under his jurisdiction and shall require each department to make reports to him required by ordinance or as he deems desirable. The mayor shall maintain liaison with related units of local government respecting interlocal contracting and joint activities. The mayor shall report to the council and to the public on the condition and needs of city government as he finds appropriate or as required by ordinance, but not less than annually. He shall make any recommendations for actions by the council he finds in the public interest.
- (4) Subject to disapproval of the council, the mayor shall promulgate procedures to insure orderly administration of the functions of city government and compliance with statute or ordinance. Upon promulgation or upon revision or rescission of the procedures, copies shall be filed with the person responsible for maintaining city records as provided under KRS 83A.060.
- (5) The mayor shall preside at meetings of the council. The council may set by ordinance the manner in which one of its number may be selected to preside at meetings of the council in place of the mayor. The mayor may participate in council proceedings, but shall not have a vote, except that he may cast the deciding vote in case of a tie.
- (6) All ordinances adopted by the council shall be submitted to the mayor who shall within ten (10) days after submission either approve the ordinance by affixing his signature or disapprove it by returning it to the council together with a statement of his objections. No ordinance shall take effect without the mayor's approval unless he fails to return it to the legislative body within ten (10) days after receiving it or unless the council votes to override the mayor's veto, upon reconsideration of the ordinance not later than the second regular meeting following its return, by the affirmative vote of one (1) more than a majority of the membership.
- (7) Any delegation of the mayor's power, duties or responsibilities to subordinate officers and employees and any expression of his official authority to fulfill executive functions shall be made by executive order. Executive orders shall be sequentially numbered by years and shall be kept in a permanent file.
- (8) All bonds, notes, contracts and written obligations of the city shall be made and executed by the mayor or his agent designated by executive order.

- (9) The mayor shall be the appointing authority with power to appoint and remove all city employees, including police officers, except as tenure and terms of employment are protected by statute, ordinance or contract and except for employees of the council.
- (10) The mayor shall provide for the orderly continuation of the functions of city government at any time he is unable to attend to the duties of his office by delegating responsibility for any function to be performed in accordance with subsection (7) of this section, provided that the mayor shall not delegate the responsibility of presiding at meetings of the council and that approving ordinances or promulgating administrative procedures may only be delegated to an elected officer. With approval of the council, the mayor may rescind any action taken in his absence under this subsection within thirty (30) days of such action. If for any reason the disability of the mayor to attend to his duties persists for sixty (60) consecutive days, the office of mayor may be declared vacant by a majority vote of the council and the provisions of KRS 83A.040 shall apply.
- (11) The legislative authority of the city shall be vested in and exercised by the elected council of the city. The council shall not perform any executive functions except those functions assigned to it by statute. Regular meetings of the council shall be held at least once each month at such times and places as are fixed by ordinance. Special meetings of the council may be called by the mayor or upon written request of a majority of the council. In the call, the mayor or council shall designate the purpose, time and place of the special meeting with sufficient notice for the attendance of council members and for compliance with KRS Chapter 61. At a special meeting no business may be considered other than that set forth in the designation of purpose. The minutes of every meeting shall be signed by the person responsible for maintaining city records provided under KRS 83A.060 and by the officer presiding at the meeting.
- (12) The council shall by ordinance establish all appointive offices and the duties and responsibilities of those offices and codes, rules and regulations for the public health, safety and welfare. The council shall by ordinance provide for sufficient revenue to operate city government and shall appropriate the funds of the city in a budget which shall provide for the orderly management of city resources.
- (13) The council shall have the right to investigate all activities of city government. The council may require any city officer or employee to prepare and submit to it sworn statements regarding his performance of his official duties. Any statement required by the council to be submitted or any investigation undertaken by the council, if any office, department or agency under the jurisdiction of the mayor is involved, shall not be submitted or undertaken unless and until written notice of the council's action is given to the mayor. The mayor shall have the right to review any statement before submission to the council and to appear personally or through his designee on behalf of any department, office or agency in the course of any investigation.

Effective: July 15, 1982

History: Amended 1982 Ky. Acts ch. 434, sec. 4, effective July 15, 1982. -- Created 1980 Ky. Acts ch. 235, sec. 13, effective July 15, 1980.

LEGAL PUBLICATION OF ORDINANCE IN SUMMARY
CITY OF RUSSELLVILLE, KENTUCKY
ORDINANCE NO. 2024-03

**AN ORDINANCE RELATING TO THE ALLOWANCE OF CANNABIS BUSINESS OPERATIONS
WITHIN THE CITY OF RUSSELLVILLE, KENTUCKY**

In accordance with KRS 83A.060(9), the undersigned, a licensed, practicing attorney in the Commonwealth of Kentucky, summarizes this Ordinance as follows:

- 1) Pursuant to KRS 218B.130, this Ordinance regulates medical cannabis business operations within the City limits of Russellville, setting forth the time, place, and manner in which these types of business may operate within Russellville
- 2) The following types of medical cannabis business licenses may be issued by the City and the initial license application fees and license renewal fees for each license shall be as follows:

<u>Type of License</u>	<u>Initial License Application Fee</u>	<u>License Renewal Fee</u>
Tier I Cultivator	\$500.00	\$1,000.00
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Dispensary	\$500.00	\$1,000.00
Safety Compliance Facility	\$500.00	\$1,000.00

- 3) The full text of this Ordinance and its attachments is available for copying and inspection at the office Jennifer Maudlin, Russellville City Clerk, 168 South Main Street, Russellville, during normal business hours.
- 4) The City Council of Russellville, Kentucky enacted this Ordinance after a first reading conducted on August 20, 2024, and a second reading and passage on September 4, 2024.

CERTIFICATION OF COUNSEL: The undersigned attorney hereby certifies that the foregoing is an accurate summary of City of Russellville Ordinance No. 2024-03.

Elizabeth Teel, Esq.
Attorney for the City of Russellville
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