

ORDINANCE NO. 2024-006

MEDICAL CANNABIS

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

\* \* \* \* \*

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

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF TOMPKINSVILLE, MONROE COUNTY, KENTUCKY AS FOLLOWS:

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

### **Section 1.0 Definitions**

The words “Cabinet,” “cannabis business,” “cultivator,” “dispensary,” “medicinal cannabis,” “processor,” “producer,” and “safety compliance facility” have the meanings provided for them in KRS 218B.010.

### **Section 2.0 Location**

A cannabis business shall not be located within one thousand (1,000) feet of an existing elementary or secondary school or daycare center. The program defines “Daycare Center” as any “child-care center” as defined by KRS 199.894(3), any “family child-care homes” as defined by KRS 199.894(5), and any registered childcare providers in the Child Care Assistance Program as regulated by 922 KAR 2:180. The measurement shall be one thousand (1,000) feet as a straight line from the nearest property line of an elementary school, secondary school, or daycare center to the nearest property line of the proposed place of business.

### **Section 3.0 Signage**

Medical cannabis facilities shall be limited to one externally illuminated on-premises monument sign not to exceed ten (10) feet in height and thirty-two (32) square feet in sign areas. Wall signs shall not exceed twenty-four (24) square feet in sign face area or be greater than five percent (5%) of any building wall façade, whichever is greater.

### **Section 4.0 Outdoor Storage**

Outdoor storage of materials, equipment, or supplies associated with a medical cannabis facility is not allowed.

### **Section 5.0 Fee Schedule**

<b>Subject to Fee</b>	<b>Minimum Fee</b>	<b>Due</b>
Medicinal Cannabis Business	\$500.00	Yearly
Cultivator	\$500.00	Yearly
Dispensary	\$500.00	Yearly
Processor	\$500.00	Yearly
Producer	\$500.00	Yearly
Safety Compliance Facility	\$500.00	Yearly

### **Section 6.0 Provisions Severable**

The provisions in this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provisions thereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

### **Section 7.0 Conflicting Ordinances Repealed**

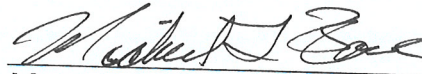
All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

### **Section 8.0 Effective Date**

This ordinance shall be effective as soon as possible according to law.

**Section 9.0 Publication**

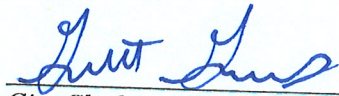
This ordinance shall be published in summary pursuant to KRS 83A.060(9).



Mayor

Date: 8/23/24

ATTEST:



City Clerk

First Reading: 7/25/24

Second Reading: 8/22/24

Published: 8/29/24

(Ord. 2024 – XXXXX, passed xx-xx-2024)