

ORDINANCE NO. 042224-01

**ORDINANCE PROHIBITING ALL CANNABIS BUSINESS OPERATIONS IN THE
CITY OF WEST LIBERTY**

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

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

NOW, THEREFORE, BE IT ORDAINED by the City of West Liberty 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 West Liberty.
- (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 West Liberty following second reading and publication in accordance with the requirements of applicable Kentucky law.


MAYOR

ATTEST:


CITY CLERK

Passed: 4-22-24 (Second Reading)
3-25-24 (First Reading)