


CITY OF WINCHESTER, KENTUCKY
ORDINANCE NO. 17-2024

SUMMARY

**AN ORDINANCE ADOPTING A LEGALIZED MEDICINAL
CANNABIS PROGRAM FOR THE CITY OF
WINCHESTER, KENTUCKY**

A complete copy of this Ordinance can be inspected at the City Clerk's Office at City Hall, 32 Wall Street, during regular business hours.

I hereby certify that the foregoing caption is an accurate summary of the contents of the Ordinance.



William A. Dykeman
City Attorney

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**AN ORDINANCE ADOPTING A LEGALIZED MEDICINAL
CANNABIS PROGRAM FOR THE CITY OF
WINCHESTER, KENTUCKY**

WHEREAS, The Commonwealth of Kentucky, in its 2023 General Assembly passed Senate Bill 47, which established the framework for legalized medicinal cannabis; and

WHEREAS, Codified in KRS 218B, this legislation makes medicinal cannabis available to patients who have a qualifying diagnosis as indicated by an official medical cannabis card; and

WHEREAS, The City of Winchester has established areas in the city limits where the medicinal cannabis can be sold.

NOW THEREFORE, BE IT ORDAINED THAT the following shall be made an official part of the City Ordinance of the City of Winchester, Kentucky:

SECTION I. The following ordinance shall be adopted after second reading.

Section 1. The Sale of Medicinal Cannabis.

- 1) It shall be legal to sell medicinal cannabis inside the city limits in designated areas.
- 2) It shall be illegal to sell medicinal cannabis in areas of the City within 1,000 feet of elementary and secondary public and private schools, state-certified daycares, and parks.
- 3) Any medicinal cannabis operation must be licensed through the Cabinet for Health and Family Services (CHFS). Once licensed through the CHFS, it is the responsibility of the medical cannabis cultivator, producer, dispensary, or processor to obtain a city business license to cultivate, operate, produce, or sell medical cannabis inside the city limits.

Section II. Definitions.

- 1) Cannabis Cultivator means an entity licensed by the State of Kentucky pursuant to the Kentucky Revised Statute and 915 KAR 1:030 to plant, grow, cultivate, raise, harvest, trim, store, test, package, label, transfer, transport, sell medicinal cannabis seed,

- seedlings, medicinal plant, medicinal cannabis, or medicinal cannabis product to other licensed cannabis business in the state.
- 2) Cannabis Dispensary means an entity licensed by the State of Kentucky pursuant to Kentucky Revised Statutes and 915 KAR 1.070 to perform retail sales of medicinal cannabis to registered qualified patient or visiting qualified patient as defined by the Kentucky Revised Statutes and corresponding regulations.
 - 3) Cannabis Processor means an entity licensed by the State of Kentucky pursuant to the Kentucky Revised Statute and 915 KAR 1:040 to process and/or package raw medicinal cannabis plant material or plants into approved forms of medical cannabis under Kentucky Revised Statutes and regulations.
 - 4) Cannabis Producer means an entity licensed by the State of Kentucky pursuant to the Kentucky Revised statutes and 915 KAR 1.040 which operates as both a cannabis cultivator and processor.

Section III. Signage.

- 1) Exterior signage shall adhere to the regulations in place for the Zoning District which the facility is located in B-3, B-4, I-1 or I-2. No images containing the cannabis leaf, drug paraphernalia, and/or smoking or vaping shall be permitted. The word marijuana is prohibited on all external signage.
- 2) Exterior signs must be on the same parcel as the store and affixed to a building or permanent structure (e.g. signpost). Exterior signage shall conform with the current sign ordinances to reasonably display the information on the sign to individuals within or near the licensed premises and cannot be illuminated by neon lights.

Section IV. Locations.

- 1) Medical cannabis cultivators, producers, and processors shall be allowed in I-1 and I-2 zones of the City.
- 2) Cultivators shall be allowed in agricultural areas of the City by obtaining a conditional use permit.
- 3) Dispensaries shall be allowed in B-3, B-4, I-1, and I-2 zones of the City.
- 4) No dispensary shall block or hinder traffic while accommodating clients in the City.

Section V. Business License Requirement.

- 1) The City requires all companies, corporations, or individuals to obtain a city occupational license and pay occupational taxes.

- 2) An occupational license for the cultivation, processing, producing, safety compliance facilities, and dispensaries shall pay one thousand dollars (\$1,000) per business license year to the City which forty percent (40%) shall be set aside to the Winchester Police Department to provide training and education to the community.
- 3) All employees of said cultivation, processing, producing, safety compliance facilities, and dispensaries or their agents must meet all State requirements.

SECTION II. Any ordinance or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION III. All portions of this ordinance shall be published in the City of Winchester's Code of Ordinances and shall be in effect when published in the Winchester Sun.

Introduced and given first reading at a meeting of the Board of Commissioners of the City of Winchester, Kentucky held on July 16, 2024 and finally adopted, after second reading at a meeting of the said Board held on August 6, 2024.

Voice Vote:	Commissioner Book	<u>No</u>
	Commissioner Cox	<u>Yes</u>
	Mayor Reed	<u>Yes</u>
	Commissioner Strode	<u>Yes</u>
	Commissioner Toole	<u>Yes</u>

JoEllen Reed
JoEllen Reed, Mayor

Jay L. Curtis
City Clerk

Reviewed By:
William A. Dykeman
William A. Dykeman
City Attorney

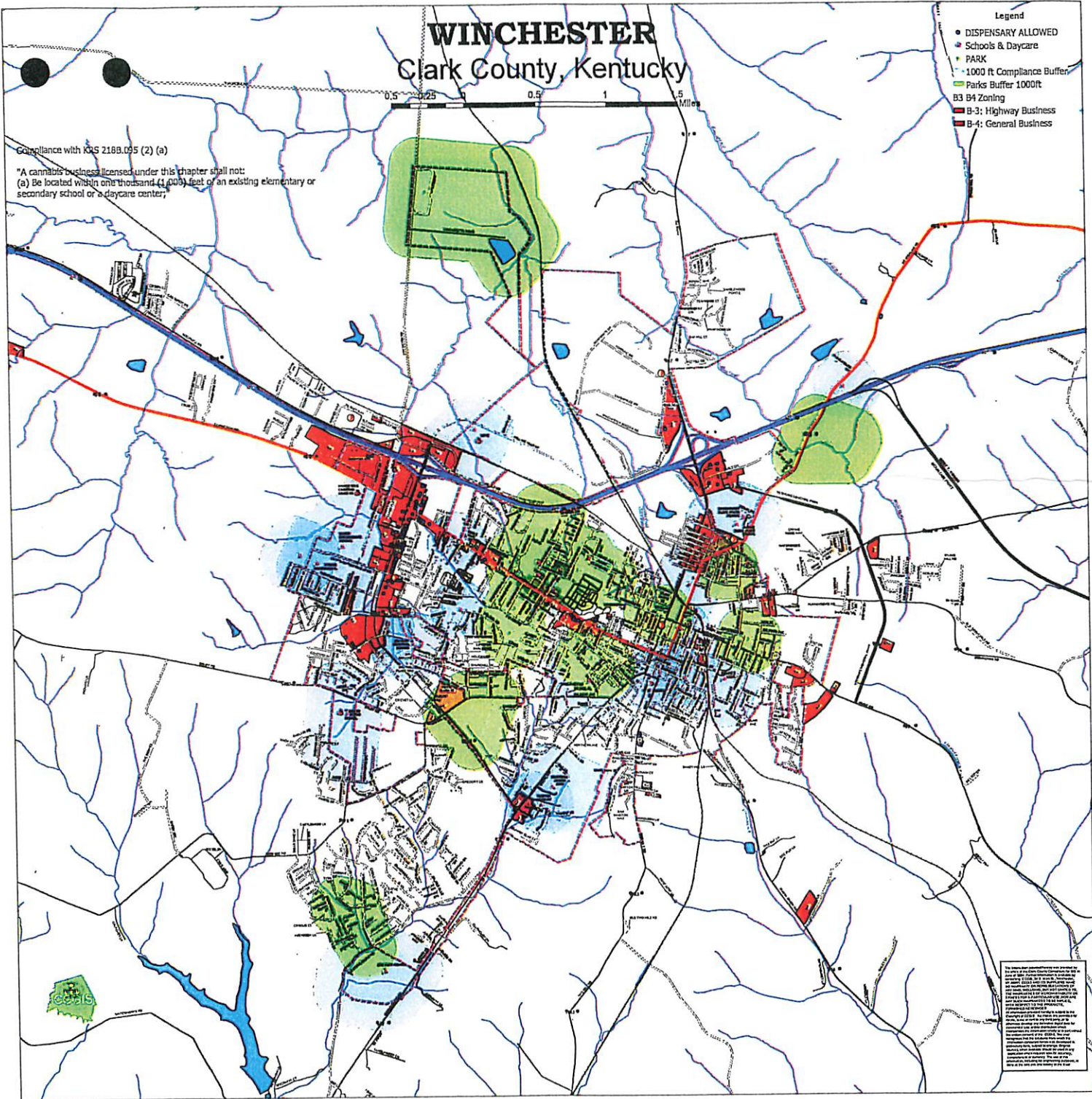
WINCHESTER

Clark County, Kentucky



- Legend**
- DISPENSARY ALLOWED
 - Schools & Daycare
 - PARK
 - 1000 ft Compliance Buffer
 - Parks Buffer 1000ft
 - B3 B4 Zoning
 - B-3: Highway Business
 - B-4: General Business

Compliance with KRS 218B.095 (2) (a)
 *A cannabis business licensed under this chapter shall not:
 (a) Be located within one thousand (1,000) feet of an existing elementary or secondary school or a daycare center;



The information contained on this map was prepared by the Clark County Planning Department. It is intended to provide a general overview of the zoning districts and compliance buffers in Winchester, Kentucky. It is not intended to be used as a legal document. For more information, please contact the Clark County Planning Department at (606) 225-1234.