

**ORDINANCE NO. 11-07-2024**

**AN ORDINANCE RELATING TO THE ALLOWANCE OF CANNABIS BUSINESS OPERATIONS IN THE COUNTY OF WOLFE**

**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.090 and 218B.130 authorize local governments to prohibit cannabis business operations within their territory through the passage of an ordinance;

**WHEREAS**, the legislative body of a county that previously prohibited cannabis business operations through passage of an ordinance may subsequently approve cannabis business operations within the county through the passage of an ordinance;

**WHEREAS**, the County of Wolfe wishes to utilize the authority granted to it by KRS 218B.130 to allow cannabis business operations within Wolfe County.

**Section 1**

**Definitions**

The definitions within KRS 218B.010 are hereby adopted as if set out herein and as relevant to this ordinance.

**Section 2**

**Cannabis Businesses Allowed**

All cannabis businesses are hereby allowed to operate within Wolfe County limits.

**Section 3**

**Cannabis Business Permit and Fees**

- (a) No person or entity shall operate a Cannabis Business (Cultivator, Dispensary, Processor, Producer, Safety Compliance Facility) at any location in Wolfe County unless that entity first possesses a valid Cannabis Business Permit for each type of Cannabis Business operating at that location.
- (b) The Wolfe County Fiscal Court is authorized to promulgate such forms and implement procedures as reasonably necessary and consistent with state law and this ordinance for the orderly and efficient processing of Cannabis Business Permit applications and renewals. Provided, however, that an applicant shall be required to provide the following information as part of its application for the initial permit and each renewal:

- (1) Address of each proposed Cannabis Business;
  - (2) Identification of each type of proposed Cannabis Business operating at that location (Cultivator, Dispensary, Producer, Processor, Safety Compliance Facility);
  - (3) Name, address, phone number, and email address of the Applicant;
  - (4) Name, address, phone number, and email address of the Operator, if different from the Applicant;
  - (5) Sufficient Evidence that the location of the proposed Cannabis Business is not within 1,000 feet of an existing child-care center, as defined by KRS Chapter 199.894(3), a family child-care home, as defined in KRS Chapter 199.894(5), or a registered childcare provider in the Child Care Assistance Program, as regulated by 922 KAR 2:180;
- (c) All applications for a Cannabis Business Permit shall be accompanied by the annual permit fee of \$1,000 and shall be conditioned upon issuance of a valid license issued by the appropriate Cabinet pursuant to Chapter 218B of the Kentucky Revised Statutes, as may be amended.
- (d) The Operator of the Cannabis Business may apply on behalf of the owner of the Cannabis Business, with the express written permission of the owner.
- (e) All Cannabis Business Permits and renewals shall expire upon the earlier of (1) December 31st following the most recent application or renewal; (2) the revocation of any licenses or permits issued by the Commonwealth of Kentucky authorizing the entity to operate the Cannabis Business.
- (f) The Wolfe County Fiscal Court may refuse to issue a permit or renew a permit of an existing Cannabis Business in the following circumstances:
- (1) When the Applicant intentionally or knowingly makes a false statement as to a material matter in an application;
  - (2) When the Applicant fails to complete any part of the application;
  - (3) When the Permittee has failed to pay any fee, tax, fine, or penalty related to a violation of this ordinance;
  - (4) When the Cannabis Business is subject to unsatisfied penalties, fines, or liens assessed or levied by the Wolfe County Fiscal Court, for any reason;
  - (5) When the Applicant of the Cannabis Business cannot provide Sufficient Evidence that its proposed location is more than 1,000 feet from an existing

child-care center, as defined by KRS Chapter 199.894(3), family child-care home, as defined in KRS Chapter 199.894(5), or a registered childcare provider in the Child Care Assistance Program, as regulated by 922 KAR 2:180;

- (6) When the Operator of the Cannabis Business fails to comply with any applicable state or local law or regulation.
- (g) The Wolfe County Fiscal Court may revoke the permit held by any Permittee of any Cannabis Business at any time for any of the following reasons:
  - (1) When any one of the circumstances provided in subsection (f), above, occurs; or
  - (2) When the Permittee has been found to be in violation of this ordinance two (2) or more times during the relevant permit term.

A Permittee whose Cannabis Business Permit is revoked is not eligible to apply for another Cannabis Business Permit at the location for which the said permit was revoked for a period of one (1) year.

#### **Section 4**

##### **Penalties**

Any Cannabis Business violating any of the provisions of this ordinance, or any lawful rules or regulations promulgated pursuant thereto, upon conviction shall be punished by a fine of not less than \$25.00 nor more than \$500.00, provided that each day's violation thereof shall be a separate offense for the purpose hereof. Violators of this ordinance may be issued a citation by the Wolfe County Sheriff or by a duly authorized official.

#### **Section 5**

##### **Severability Clause**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unlawful by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

#### **Section 6**

##### **Effective Date**

This ordinance shall become effective upon its enactment and publication by the Wolfe County Fiscal Court.

Date: 1-14-25

A handwritten signature in black ink, appearing to be 'Ry Ba', written over a horizontal line.

**Judge Executive**

A handwritten signature in black ink, appearing to be 'Conner', written over a horizontal line.

**Fiscal Court Clerk**