

**ORDINANCE NUMBER 22-2586**

**AN ORDINANCE AUTHORIZING THE OPERATION OF MEDICAL CANNABIS DISPENSING SITES**

**WHEREAS**, in 2021, the Alabama Legislator passed Act No. 2021-450 (the “Act”) legalizing medical cannabis; and

**WHEREAS**, the Act establishes a comprehensive regulatory framework for medical cannabis, including the licensing and strict regulation of the cultivation, processing, transporting, testing, and dispensing of medical cannabis; and

**WHEREAS**, the Alabama Legislator made a number of findings of fact including: “Establishing a program providing for the administration of cannabis derivatives for medical use in this state will not only benefit patients by providing relief to pain and other debilitating symptoms, but also provide opportunities for patients with these debilitating conditions to function and have a better quality of life and provide employment and business opportunities for farmers and other residents of this state and revenue to state and local governments”; and

**WHEREAS**, the Act defines a “dispensary” as an entity licensed by the Alabama Medical Cannabis Commission that is “authorized to dispense and sell medical cannabis at dispensing sites to registered qualified patients and registered caregivers”; and

**WHEREAS**, the Act defines an “integrated facility” as an entity licensed “to perform the functions of a cultivator, processor, secure transporter, and dispensary”; and

**WHEREAS**, the Act defines a “dispensing site” as a site that is “operated by a dispensary licensee or an integrated facility licensee”; and

**WHEREAS**, the Act requires the governing body of any municipality by ordinance to authorize the operation of the dispensing sites within the corporate limits of the municipality; and

**WHEREAS**, a dispensary would be required to purchase a business license and pay sales tax to the City of Hoover, thus increasing revenue; and

**WHEREAS**, the City of Hoover wishes to authorize the operation of medical cannabis dispensing sites within the corporate limits of the City of Hoover to assure its citizens can benefit from the medical and economic benefits of medical cannabis.

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Hoover, in regular meeting duly assembled, a quorum being present, as follows:

**Section 1. Authorization.**

1. That in accordance with Alabama Code § 20-2A-51 a holder of a license granted by the State of Alabama pursuant to Act No. 21-450 is hereby authorized to operate a medical cannabis dispensing site within corporate limits of the City of Hoover subject to the provisions of Act No. 21-450 and any relevant provisions of the code of the City of Hoover.
2. That a medical cannabis dispensing site shall be deemed a permitted use in an I-1 district.
3. That the City Clerk of the City of Hoover or her designee is hereby directed to forward a copy of this Ordinance to the Alabama Medical Cannabis Commission not more than seven calendar days after its adoption.

**Section 2. ORDINANCES REPEALED.** All ordinance or parts of ordinances in conflict herewith are hereby repealed.

**Section 3. SEVERABILITY.** That if any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City of Hoover hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

**Section 4. LEGAL RIGHTS NOT IMPAIRED.** That nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suite or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed as cited in Section 2 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**Section 5. ORDINANCE CUMULATIVE; COMPATIBILITY WITH OTHER REGULATIONS.** This Ordinance shall not be construed to modify or to repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this Ordinance are in addition to and cumulative to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this Ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

**Section 6. PUBLICATION OF ORDINANCE.** That the City Clerk of the City of Hoover is hereby ordered and directed to cause this ordinance to be published and that a copy of this Ordinance be entered upon the minutes of the meeting of the City Council.

**Section 7. EFFECTIVE DATE OF ORDINANCE.** That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall be in full force and effect upon adoption and shall continue in full force and effect from month to month and year to year from its effective date until repealed.

**THEREFORE, BE IT ORDAINED,** that the City Council of the City of Hoover does hereby ordain, resolve, and enact the foregoing Ordinance for the City of Hoover.

Done this the 5th day of December, 2022.

\_\_\_\_\_  
John B. Lyda, Council President

**APPROVED BY:**

\_\_\_\_\_  
Frank V. Brocato, Mayor

**ATTESTED BY:**

\_\_\_\_\_  
Wendy Dickerson, City Clerk