

**HARRISVILLE CITY
ORDINANCE 507**

CANNABIS REGULATIONS

AN ORDINANCE OF HARRISVILLE CITY, UTAH, ADOPTING CHAPTER 11.21 OF THE MUNICIPAL CODE TO ESTABLISH REGULATIONS GOVERNING CANNABIS PRODUCTION ESTABLISHMENTS AND MEDICAL CANNABIS PHARMACIES AS REQUIRED BY STATE LAW; MAKING TECHNICAL CHANGES; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Harrisville City (hereafter the “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, in 2018, the voters of Utah approved Proposition 2 authorizing medical cannabis;

WHEREAS, Utah State Legislature met in special session on Monday, September 16, 2019, and modified Proposition 2 with the adoption of S.B. 1002, and such modification impacts municipalities;

WHEREAS, *Utah Code Annotated* §10-8-84 and §10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, the City finds it necessary to update the municipal code in order to meet the challenges presented by state law, and to protect public health, safety, and welfare;

WHEREAS, after publication of the required notice the Planning Commission held its public hearing on February 12, 2020, to take public comment on the proposed Ordinance, after which the Planning Commission gave its recommendation to adopt this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on March 10, 2020;

NOW, THEREFORE, be it ordained by the City Council as follows:

Section 1: **Repealer.** Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: **Amendment.** Chapter 13.38 of the *Harrisville Municipal Code* is hereby adopted to read as follows:

**Chapter 11.21
Cannabis Regulations**

11.21.010 Definitions.

In addition to the definitions set forth in Utah Code §4-41a-102 (Cannabis Production Establishments), and Utah Code §26-61a-102 (Utah Medical Cannabis Act), the following definitions apply:

1. “Cannabis Production Establishment” means an establishment defined in Utah Code §4-41a-102, and includes a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory.
2. “Community location” means a public or private school, a church, a public library, a public playground, or a public park. The City defines a public playground and/or public park to include all public trails, public buildings, public open space, and public nature areas.
3. “Medical Cannabis Pharmacy” means an entity that acquires or intends to acquire, possesses, and sells or intends to sell cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, to a medical cannabis cardholder, as defined under Utah Code §26-61a-102.
4. “Primarily Residential Zone” means, for the purposes of this Chapter, and any applicable state law means the following zoning districts:
 - a. Residential Estates Zone R-1-10.
 - b. Residential Estates Zone RE-15.
 - c. Residential Estates Zone R-1-20.
 - d. Residential Mixed Use Sub-Zone.

11.21.020 Standards.

1. Cannabis Production Establishment. The following standards apply:
 - a. No emission of dust, fumes, vapors, odors, or waste into the environment from any facility involving the growing, processing, or testing of cannabis.
 - b. Each Cannabis Production Establishments shall:
 - i. Not be located in a Primary Residential Zone.
 - ii. Meet the municipal code regulations, site development standards, and sign requirements for any main building and accessory building.
 - iii. Obtain and comply with all state requirements in accordance with Utah Code §4-41a-101, et seq.
 - iv. Comply with location requirements set forth in Utah Code §4-41a-201.
 - v. Obtain and comply with business license regulations.
2. Medical Cannabis Pharmacy. The following standards apply:
 - a. Not be located in a Primary Residential Zone.
 - b. No cannabis products shall be visible from outside of any structure.
 - c. Meet the municipal code regulations, site development standards, and sign requirements for commercial development.
 - d. Obtain and comply with all state requirements in accordance with Utah Code §26-61a-101, et seq.
 - e. Comply with location requirements set forth in Utah Code §26-61a-301.
 - f. Obtain and comply with business license regulations.

11.21.030 Permitted Uses.

The following uses are permitted in the following Zones:

Use	Zone
Cannabis Production Establishment	A-1, MP-1
Medical Cannabis Pharmacy	CP-2

Section 3: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

Section 4: Effective date. This Ordinance takes effect immediately upon mayoral approval and posting.

PASSED AND ADOPTED by the City Council on this 10th day of March, 2020.


MICHELLE TAIT, Mayor


Municipal Council
Roll Call Vote Tally:

	Yes	No
Mr. Hendrix	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Wilhelmsen	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Beecher Jackson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Weiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Christensen	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ATTEST:


City Recorder

RECORDED this 11th day of March, 2020.
PUBLISHED OR POSTED this 11th day of March, 2020.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I, the City Recorder of Harrisville City, hereby certify that the foregoing Ordinance was duly passed and published or posted at: 1) City Hall, 2) 2150 North, and 3) Harrisville Cabin on the above referenced dates.


City Recorder DATE: 3/11/2020