

**ORDINANCE NO. 1502-25**

**AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA RELATED TO MEDICAL MARIJUANA TREATMENT CENTERS; ADOPTING FINDINGS OF FACT; PROVIDING DEFINITIONS; IMPOSING A NEW TEMPORARY MORATORIUM ON THE OPENING OF ANY NEW MEDICAL MARIJUANA TREATMENT CENTERS NOT TO EXCEED TWELVE (12) MONTHS; PROVIDING FOR SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE.**

**WHEREAS**, as provided in section 2(b), Article VIII of the Constitution of the State of Florida, and section 166.021(1), Florida Statutes, the City of Zephyrhills, Florida (the “City”), a municipal corporation, enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except as expressly prohibited by law; and

**WHEREAS**, as provided in section 166.021(3), Florida Statutes, the governing body of each municipality in the state has the power to enact legislation concerning any subject matter upon which the state legislature may act, except when expressly prohibited by law; and

**WHEREAS**, on November 8, 2016, Florida voters approved an amendment to the Florida Constitution to legalize the cultivation, production, and dispensing of medical marijuana for a broad population of eligible patients; and

**WHEREAS**, the Florida Legislature enacted SB-8A during Special Session A in July of 2017 to implement Section 29, Article X in the State of Florida Constitution and to create a unified regulatory structure for the use of marijuana for medical purposes by persons with debilitating diseases in the State of Florida which has been codified as Section 381.986, Florida Statutes; and

**WHEREAS**, SB-8A pre-empted local governments from regulation regarding cultivation, processing and delivery of marijuana by medical marijuana treatment centers, except as otherwise provided in SB-8A;

**WHEREAS**, the preemption has prevented the City from appropriately restricting the zoning districts where medical marijuana treatment centers can be located;

**WHEREAS**, on July 22, 2024 the City passed Ordinance 1484-24 implementing a twelve (12) month moratorium on the opening of new Medical Marijuana Treatment Centers within the boundaries of the City of Zephyrhills which is set to expire on July 22, 2025;

**WHEREAS**, City staff believes that an adequate amount of medical marijuana treatment centers exist within the boundaries of the City of Zephyrhills and would prepare appropriate Land Development Code modifications to address how the City wants to regulate medical marijuana treatment centers going forward including cultivation operations;

**WHEREAS**, City staff requests City Council extend the temporary moratorium on the opening of new medical marijuana treatment centers within the boundaries of the City of Zephyrhills, not to exceed twelve (12) months from the effective date of this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ZEPHYRHILLS, FLORIDA, AS FOLLOWS:**

**Section 1. Authority.**

This Ordinance is enacted pursuant to Chapter 163, Florida Statutes, and under the home rule powers of the City.

**Section 2. Legislative Findings of Fact.**

The foregoing **WHEREAS** clauses are hereby adopted as legislative findings of the City Council of the City of Zephyrhills and are ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

### **Section 3. Definitions.**

For the purposes of this ordinance, the following words, terms, and phrases, including their respective derivatives, have the following meanings:

a. *Marijuana* means all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including low-THC cannabis, which are dispensed from a medical marijuana treatment center for medical use by a qualified patient.

b. *Medical Marijuana Treatment Centers (MMTC's)* means a vertically integrated licensed medical marijuana cultivator, processor, and dispenser. MMTC's are the only businesses in Florida authorized to dispense medical marijuana and low-THC cannabis to qualified patients and caregivers. Each MMTC must receive authorization at three stages, (1) cultivation authorization, (2) processing authorization, and (3) dispensing authorization, prior to dispensing low-THC cannabis or medical marijuana. MMTC's are commonly referred to as Cannabis Dispensaries or Medical Marijuana Dispensaries.

### **Section 4. Temporary Moratorium**

a. Beginning on July 23, 2025, the moratorium on the opening of new Medical Marijuana Treatment Centers within the boundaries of the City of Zephyrhills is hereby extended for twelve (12) months.

b. During the moratorium, it is unlawful and a violation of this ordinance for any person, firm, group, corporation, partnership or other company to open or cause to be opened any Medical Marijuana Treatment Centers within the boundaries of the City of Zephyrhills.

### **Section 5. Expiration of the Temporary Moratorium.**

The temporary moratorium imposed by section 4 of this ordinance expires as of the earliest of the follow occurrences:

a. Twelve (12) months from July 23, 2025; or

b. A date before the expiration in paragraph 5.a. above, if provided by Ordinance of the City Council of the City of Zephyrhills, Florida.

### **Section 6. Repealer.**

Any and all ordinances in conflict herewith are hereby repealed to the extent of any conflict.

### **Section 7. Penalties.**

Any and all violation of the Ordinance shall constitute a separate Class VI offense as set forth in the Uniform Fine and Citation Schedule as adopted by the Sixth Judicial Circuit of Florida for Pasco County, and shall be prosecuted as provided in Section 162.21, Florida Statutes. Each violation and each day constituting a violation shall be fined and prosecuted as a separate offense.

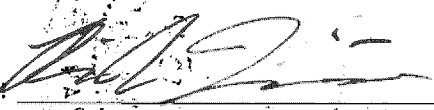
### **Section 8. Severability.**

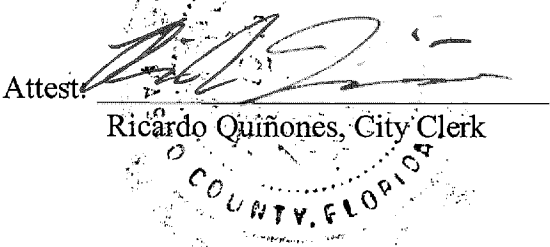
It is declared to be the intent of the City Council of the City of Zephyrhills, Florida, that if any section, subsection, sentence, clause, or provision of this ordinance is held invalid, the remainder of the ordinance shall be construed as not having continued the said section, subsection, sentence, clause, or provision and shall not be affected by such holding.


Section 9. Effective Date.

This Ordinance shall become effective on the later of July 23, 2025, or upon passage on the second reading and signing by the Mayor.

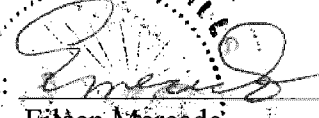
The foregoing Ordinance No. 1502-25 was read and passed on the first reading in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 23<sup>rd</sup> day of June 2025.

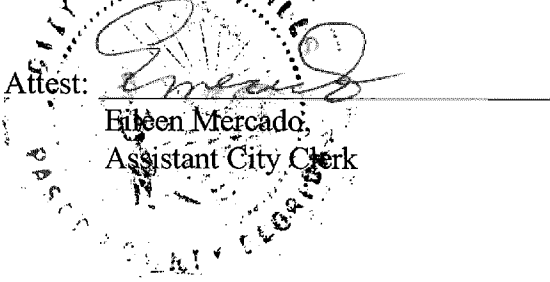
Attest:   
Ricardo Quiñones, City Clerk




  
Charles E. Proctor  
Council President

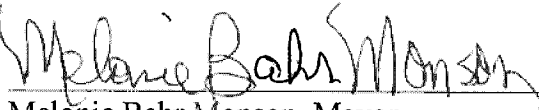
The foregoing Ordinance No. 1502-25 was read and passed on the second reading, following a public hearing, in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 14<sup>th</sup> day of July 2025.

Attest:   
Eileen Mercado,  
Assistant City Clerk




  
Charles E. Proctor,  
Council President

The foregoing Ordinance No: 1502-25 was approved by me this 14<sup>th</sup> day of July 2025.

  
Melonie Bahr Monson, Mayor

Approved as to legal form and content:

  
Matthew E. Maggard, Esq.  
City Attorney