

2022 ORDINANCE ADDRESSING MISSISSIPPI MEDICAL CANNABIS ACT
(SB 2095)

CITY OF SALTILLO, MISSISSIPPI

WHEREAS, the City of Saltillo, by state law, is allowed to pass ordinances in the nature of zoning for the general purpose of promoting the health, safety, morals and general welfare of the community by regulating, among other things, the location and use of buildings, structures and land for trade, industry or other purposes, as provided in Mississippi Code Annotated Sections 17-1-1 (1972, as amended) et. seq.;

WHEREAS, the City of Saltillo, by state law, is allowed to pass such other ordinances as are necessary to protect the health, safety and welfare of the community, as provided in Mississippi Code Annotated Sections 21-19-1 (1972, as amended) et. seq.;

WHEREAS, Mississippi Governor Tate Reeves signed into law Senate Bill 2095 (SB 2095), entitled the Mississippi Medical Cannabis Act, effective February 3, 2022;

WHEREAS, SB 2095 recognized the local authority of municipalities to provide governance of their political subdivisions in order to achieve the purposes listed above through the passage of zoning regulations and other ordinances;

WHEREAS, after proper notice was given pursuant to the existing zoning ordinance of the City of Saltillo and otherwise pursuant to state law, a public hearing was conducted by the Mayor and Board of Aldermen as to various issues involving SB 2095 on August 2, 2022;

WHEREAS, the provisions below are reasonable and necessary in order to promote the health, safety, morals and general welfare of the city and

its citizenry and are otherwise permissible by the zoning ordinance of the City of Saltillo, SB 2095 and state law;

NOW, THEREFORE, let it be ordained by the Mayor and Board of Aldermen of the City of Saltillo, as follows:

SECTION 1. The prefatory statements above and the minutes from the public hearing of August 2, 2022 and the regular board meeting of August 16, 2022 are hereby incorporated herein, as specific findings of fact of the Mayor and Board of Aldermen, as if copied in their entirety.

SECTION 2. Pursuant to Section 19 of SB 2095, a municipality may pass an ordinance, not in conflict with the act or regulations established under the act, dealing with the time, place and manner of medical cannabis establishment operations. Pursuant to this authority, the permissible days and hours of operation for all medical cannabis dispensaries within the city limits of Saltillo shall be Monday through Saturday, no earlier than 9:00 AM and no later than 10:00 PM.

SECTION 3. Pursuant to Section 19 of SB 2095, a municipality has discretion as to whether a medical cannabis cultivation or medical cannabis processing facility may be located in commercially zoned areas or in areas where commercial activity is otherwise authorized or not prohibited. Pursuant to this authority, medical cannabis cultivation facilities and/or medical cannabis processing facilities are not allowed within the city limits of Saltillo in any commercially zoned areas.

SECTION 4. Pursuant to Section 21 of SB 2095, state agencies, including Mississippi Department of Health and/or Mississippi Department of Revenue, shall be responsible for promulgating regulations regarding signage and advertising for medical cannabis establishments. However, unless specifically in conflict with such state regulations, once released, medical cannabis

establishments within the city limits of Saltillo shall be prohibited from using any signage or advertising which otherwise violates the city's existing sign ordinance in size, stature, design or location or which depicts cartoon or other imagery that would attract or appeal to minors; displays paraphernalia or the use of paraphernalia; is located in zones where medical cannabis establishments are unable to locate; is mobile or provided through unsolicited leaflets, brochures, or handbills; is located on public transit, publicly owned property, or within 1,000 feet of "protected places" as defined by SB 2095; is located off-premises of the medical cannabis establishment; makes advertised claims which are not backed by research/science or in which sources can be used out of context; or depicts cannabis consumption or imagery of the cannabis plant, including bud and leaf imagery.

SECTION 5. Where no specific penalty is otherwise provided under SB 2095, any alleged violation of this ordinance would fall under the jurisdiction of Saltillo Municipal Court and, upon conviction, could result in a fine not exceeding \$1,000.00 or imprisonment not exceeding ninety (90) days in the county jail, or both, as provided under Mississippi Code Annotated Section 21-13-1 (1972, as amended). For purposes of this ordinance, each day of violation shall be considered a new and separate violation.

SECTION 6. Should any section, clause, paragraph, provision, or part of this ordinance for any reason be held invalid or unconstitutional by any court of competent jurisdiction, this act shall not affect the validity of any other section, clause, paragraph, provision, or part of this ordinance. All provisions of this ordinance shall be considered separate provisions, and completely severable from all other portions.

SECTION 7. In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance of code of the City of Saltillo, Mississippi, existing on the effective date of the ordinance, the provisions of this ordinance shall take precedence.


SECTION 8. This Ordinance shall become effective, upon publication, within thirty (30) days.

SECTION 9. The City Clerk is instructed to publish this ordinance one (1) time in the Northeast Mississippi Daily Journal and to obtain proof of publication thereof and record this ordinance in the ordinance book.

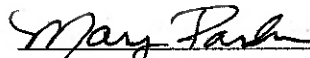
UPON MOTION of Alderman Brian Morgan, duly seconded by Alderman Terry Glidewell, the aforesaid ordinance was put to a vote with Alderman voting, as follows:

Scottie Clark	Yea
Terry Glidewell	Yea
Brian Morgan	Yea
Craig Sanders	Yea
Sonya Hill Witcher	Absent


ORDAINED AND ADOPTED, by way of a unanimous participating vote, this the 16th day of August, 2022, at the regular meeting of the Mayor and Board of Alderman of the City of Saltillo, Mississippi.



COPEY GRANTHAM, Mayor
City of Saltillo, Mississippi



MARY PARKER, Clerk
City of Saltillo, Mississippi



NOTE: This ordinance was approved and adopted by the Mayor and Board of Alderman at their regular meeting on August 16, 2022 and appears in Minute Book 14 at Pages 51-54.