

**ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF JASPER, ALABAMA**

Ordinance No. 2023-_____

To Amend the Zoning Ordinance to Provide Zoning and Regulations for Medical Cannabis
Facilities Within the City of Jasper, Alabama

WHEREAS, the City of Jasper, Alabama, has not previously permitted the operation of any facilities for the growing, processing, dispensing or other activities involving the production or distribution of cannabis products within the City of Jasper, Alabama; and

WHEREAS, there have occurred changes in Alabama law to permit the growing, processing and dispensing of medical cannabis within the State of Alabama; and

WHEREAS, it is the opinion of the City Council of the City of Jasper, Alabama, that it should provide for the regulation of any entities engaged in any activity pertaining to the production or distribution of cannabis products within the City of Jasper, Alabama, and that such regulations would be in the best interests of the health, safety and welfare of the citizens of the City of Jasper, Alabama;

BE IT HEREBY ORDAINED, by the City Council of the City of Jasper, Alabama, as follows:

Section 1. Definitions. All terms used in this Ordinance shall have the definitions provided in the Darren Wesley “Ato” Hall Compassion Act, Act 2021-450, Acts of Alabama, codified as §§20-2A-1 through -100, Code of Alabama (1975).

Notwithstanding the foregoing, the following terms shall have the following definitions when used herein:

- (1) “Church” means any church, synagogue, mosque, temple, or building that is used primarily for religious worship and related religious activities;
- (2) “Enclosed Facility” means a fully floored, walled, roofed, locked, and secured building, room, greenhouse, or warehouse facility for cultivating, storing, processing, or dispensing cannabis or medical cannabis, at which security is maintained and that is accessible only to persons who are employed or contracted by a licensee, or who have been given permission to come onto the premises and have provided state or federally issued photo identification.
- (3) “Medical Cannabis Cultivation Facility” means an entity licensed by the Department of Agriculture and Industries under § 20-2A-62, Code of Alabama (1975), authorized to grow cannabis under said Act.

- (4) “Medical Cannabis Dispensary” means an entity licensed by the Alabama Medical Cannabis Commission under §20-2A-64, Code of Alabama (1975), authorized to dispense and sell medical cannabis at dispensing sites to registered qualified patients and registered caregivers under said Act.
- (5) “Medical Cannabis Integrated Facility” means an entity licensed under § 20-2A-67, Code of Alabama (1975), authorized to perform the functions of a cultivator, processor, secure transporter, and dispensary under said Act.
- (6) “Medical Cannabis Secure Transport” means an entity licensed by the Alabama Medical Cannabis Commission under § 20-2A-65, Code of Alabama (1975), authorized to transport cannabis or medical cannabis from one licensed facility or site to another licensed facility or site.
- (7) “Medical Cannabis State Testing Facility” means an entity licensed by the Alabama Medical Cannabis Commission under § 20-2A-66, Code of Alabama (1975), authorized to test cannabis and medical cannabis to ensure the product meets safety qualifications as required.
- (8) “Medical Cannabis Processing Facility” means an entity licensed by the Alabama Medical Cannabis Commission under § 20-2A-63, Code of Alabama (1975), authorized to purchase or transfer cannabis from a cultivator and process the same for sale to a dispensary.
- (9) “Public or private school” means any kindergarten, elementary school, primary school, middle school, junior high school, high school, or alternative or other secondary school whether public, private, or parochial.
- (10) “Public Park” means a green space or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, swimming pool, athletic field, basketball or tennis courts, or other similar public land that is under the control, operation or management of the City of Jasper, or any educational institution located within the City of Jasper.
- (11) “Residential district” means the R-1, -2, -3, and -4 Zoning Districts within the City of Jasper.

Section 2. Establishment of Districts.

(a) Section 30(a) of the City of Jasper, Alabama Zoning Ordinance is hereby amended to add the following language:

(10.5) B-2(MC) - Medical Cannabis Dispensary District - This District consists of areas located within the B-2 Zoning District where Medical Cannabis Dispensaries are permitted to be operated. The B-2(MC) District shall consist solely of properties which border and abut U.S. Highway 118 in Jasper, Alabama. Further regulation of such Medical Cannabis Dispensaries shall be subject to the Supplemental District Regulations for such District.

(16) M-3(MC) - Medical Cannabis Production District - This District consists of

areas located within the M-3 Zoning District where facilities for the production of medical cannabis, including Medical Cannabis Cultivation Facilities, Medical Cannabis Processing Facilities, Medical Cannabis Testing Facilities, Medical Cannabis Secure Transportation Facilities and Medical Cannabis Integrated Facilities (other than any portion of such Facility which contains a Medical Cannabis Dispensary) which are licensed by the State of Alabama for the conduct of such activities are permitted to be operated. Operation of any Medical Cannabis Facility shall be subject to the Supplemental District Regulations for such District.

Section 3. Table of Permitted Uses.

Section 50 of the City of Jasper Zoning Ordinance is hereby amended to provide for the inclusion of the following:

- (a) Medical Cannabis Cultivation Facilities, Medical Cannabis Processing Facilities, Medical Cannabis Testing Facilities, Medical Cannabis Secure Transportation Facilities and Medical Cannabis Integrated Facilities (other than those containing a Dispensary) holding applicable state permits for such activities as Permitted Uses in the new M-3(MC) District; and
- (b) Medical Cannabis Dispensaries as a Permitted Use in the B-2(MC) District.
- (c) All of the foregoing uses to be prohibited in any other District.

Section 4. Supplemental Use Regulations.

There is hereby added to the Zoning Ordinance of the City of Jasper, Alabama the following sections:

Section 95. Medical Cannabis Dispensaries.

- a) A Medical Cannabis Dispensary must comply with all regulations established in §§20-2A-1 through -100, Code of Alabama (1975), as the same now exist or may be hereinafter amended.
- b) A Medical Cannabis Dispensary must comply with each of the following:
 - (1) Minimum Plat size of 5 acres;
 - (2) The property shall not be located within 1000 feet of a public or private school, childcare center, church, public park, Municipal Government facility or property zoned as a residential district, as measured by a straight line beginning at the property line of the site of the proposed Dispensary to the closest property line of any parcel occupied by any of the listed uses.

- (3) The applicant submits the following plans demonstrating compliance with all applicable Alabama laws, regulations, administrative rules, and ordinances, including but not limited to
 - a. An operating plan;
 - b. A conceptual site plan including buffers, security fencing, and access plan;
 - c. A waste management plan;
 - d. An odor control plan;
 - e. All standard operating procedures (SOP), if different from the operating plan; and
 - f. A detailed written plan for securing the facility in compliance with Alabama Law is to be reviewed and approved by the zoning administrator and designee from Jasper Police Department and Jasper Fire Department.
- (4) The main entry of a dispensary must be at least 10,000 feet from the main entry of another Medical Cannabis Dispensary; and
- (5) No Dispensary may be located within the current or any future Entertainment District.
- (6) A dispensary must be located on property adjacent to Highway 118.

Section 96. Medical Cannabis Facilities Other Than Dispensaries.

(a) A Medical Cannabis Facility must comply with all regulations established in §§20-2A-1 through -100, Code of Alabama (1975), as the same now exist or may be hereinafter amended.

- (b) This Section shall apply to all of the following:
 - (1) Medical Cannabis Cultivation Facility;
 - (2) Medical Cannabis Processing Facility;
 - (3) Medical Cannabis Secure Transportation Facility;
 - (4) Medical Cannabis Integrated Facility (that does NOT include a Medical Cannabis Dispensary); and
 - (5) Medical Cannabis State Testing Facility.
- (c) Medical Cannabis Facilities shall meet all of the following requirements:
 - (1) Minimum Plat size of 5 acres;
 - (2) The property shall not be located within 1000 feet of a public or private school, childcare center, church, public park, or Municipal Government facility, as measured by a straight line beginning at the property line of the site of the proposed Facility to the closest property line of any parcel occupied by any of the listed uses;
 - (3) The applicant submits the following plans demonstrating compliance with all applicable Alabama laws, regulations, administrative rules, and ordinances, including but not limited to
 - a. An operating plan;

- b. A conceptual site plan including buffers, security fencing, and access plan;
- c. A waste management plan;
- d. An odor control plan;
- e. All standard operating procedures (SOP) if different from or in addition to the operating plan; and
- f. A detailed written plan for securing the facility in compliance with Alabama Law is to be reviewed and approved by the zoning administrator and designee from Jasper Police Department and Jasper Fire Department.

- (d) A medical cannabis facility or portion of such facility which contains a dispensary must comply with all provisions applicable to dispensaries in Section 95 of the City of Jasper Zoning Ordinance.

Section 5. Severability.

The provisions of this Ordinance are severable, such that if any portion of the Ordinance is ruled invalid by a court of competent jurisdiction, the remaining portions of said Ordinance shall be unaffected thereby.

Section 6. Effective Date.

This Ordinance shall become effective immediately upon its passage and approval in the manner required by the laws of the State of Alabama.

Adopted and approved this the ___th day of March, 2024.

CITY COUNCIL OF THE CITY OF
JASPER, ALABAMA

By: _____
Hon. Jenny Brown Short
Council Presiding Officer

ATTEST:

APPROVED/VETO

By: _____
Kathy Chambless
City Clerk

By: _____
Hon. David P. O’Mary
Mayor