

**AN ORDINANCE BY THE BOARD OF SUPERVISORS OF LAMAR COUNTY,
MISSISSIPPI REGULATING MEDICAL CANNABIS ESTABLISHMENT
OPERATIONS WITHIN THE UNINCORPORATED BOUNDARIES OF THE COUNTY**

WHEREAS, The Board of Supervisors of Lamar County, Mississippi has a vital governmental interest in promoting the public health, morals, safety and welfare of the citizens of the County; and

WHEREAS, The Board of Supervisors of Lamar County, Mississippi is authorized by the laws of the State of Mississippi to promulgate ordinances which promote the health, safety, and moral well-being of the County; and

WHEREAS, the Mississippi legislature passed Senate Bill 2095 known as the Mississippi Medical Cannabis Act, which was signed into law by the Governor on February 3, 2022; and

WHEREAS, pursuant to said Mississippi Medical Cannabis Act, the Lamar County Board of Supervisors shall have the power to adopt reasonable ordinances or regulations not in conflict with State law, governing the time, place, and manner of medical cannabis establishment operations within the unincorporated boundaries of the county; and

WHEREAS, the Board of Supervisors finds that it is necessary and in the best interest of Lamar County and its citizens to establish regulations regarding medical cannabis establishment (as defined by State law) operations; and

WHEREAS, this ordinance shall be applicable throughout the unincorporated boundaries of Lamar County, Mississippi; and

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS
OF LAMAR COUNTY, MISSISSIPPI as follows, to wit:**

Section 100-General Provisions

1.0 Purpose and Jurisdiction

The purpose of this Ordinance shall be to provide standards and regulations regarding the following facilities and its operations: cannabis cultivation facility, cannabis processing facility, cannabis testing facility, cannabis dispensary, cannabis transportation entity, cannabis disposal entity, or cannabis research facility in the unincorporated area of Lamar County, Mississippi.

1.1 Objectives

The principal objective of this ordinance is to protect the health, safety, and welfare of the citizens of Lamar County.

1.3 Conflicting Regulations

Whenever any provision of this Ordinance is found to be in direct conflict with the provisions of any other Lamar County Ordinance, the Ordinance containing the more restrictive requirements shall govern.

1.4 Severability

It is hereby declared to be the intent of the Board of Supervisors that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and if any section or subsection, sentence, or clause is judged to be unconstitutional or invalid, such adjudication shall not affect the validity of the remaining portions of this Ordinance. It is hereby declared that this Ordinance would have been passed and each section, subsection, sentence, or clause hereof, irrespective of the fact that one or more sections, subsections, sentences, or clauses might be adjudged to be unconstitutional or for any other reason invalid.

1.5 Intent

It is not the intent of this Ordinance to restrict, enlarge or affect in any way any existing law of the State of Mississippi or the separate enforcement thereof. No otherwise illegal acts or omissions are or shall be excused or made legal by the passage of this Ordinance. If any Section, subsection, clause, or provision of this Ordinance is declared void, unconstitutional, or invalid for any reason, such portion or provision or the application or enforceability thereof, shall be severable from this Ordinance. The remaining portion or provisions of the Ordinance or all applications and appropriate enforcement thereof, shall not be affected and shall be interpreted, if necessary, so as to give a meaning consistent with the purpose and intent of the enacted Ordinance.

Section 200 Administration/Violations

2.1 It shall be unlawful and punishable as provided in herein, for any person, within the unincorporated area of Lamar County, Mississippi, to violate any of the provisions of this Ordinance.

Section 300-Enumeration of prohibited Acts/dispensing

The following acts, among others, are declared in violation of this Ordinance; but this enumeration shall not be deemed to be exclusive:

- (1) Reserved
- (2) Reserved

Section 400-Permits and Approvals and Inspections

4.1 An owner or operator of a medical cannabis establishment in the unincorporated part of Lamar County shall apply for and must be issued a County permit for the operations thereof. The application shall be submitted through the Lamar County Planning Department, which has the

authority to either issue or deny a permit. An owner or operator of a medical cannabis establishment may be charged a fee for the issuance of a permit as stated herein. The Board of Supervisors, may from time to time, establish a reasonable fee for the issuance of said County permit.

4.1 A zoning verification letter shall be obtained through the Lamar County Planning Department before starting any medical cannabis operation.

4.2 Submission of a site plan to the Lamar County Planning Department shall be required for all medical cannabis facilities.

4.3 All owners and/or operators of a medical cannabis establishment must obtain all required Federal and State permits.

4.4 The County reserves the right to object to a transfer of a permit. When ownership or operation of a medical cannabis establishment is sold or otherwise changed or transferred, the new owner/operator shall obtain a new permit in accordance with this ordinance.

4.5 Any facility requiring approval by the State of Mississippi shall also comply with all county ordinances, including but not limited to zoning and this ordinance, and shall be a certified good manufacturing practice (GMP) facility. The GMP approval shall be in hand at the time of permit issuance. The GMP certification shall be obtained within eighteen (18) months or less of the approval of the permit from a third party.

4.6 Provided permission is granted from the owner or occupant, any Lamar County enforcement officer has the power, upon presentation of the proper credentials, to enter and inspect any building, structure, or premises within the unincorporated areas of the county as may be necessary to enforce the provisions of this Ordinance. If such permission is refused or is otherwise unobtainable, a search warrant must be obtained upon the showing of probable cause to believe that a violation of this Ordinance may exist, before such entry or inspection is made.

Section 500 General Regulations

5.1 Permitted Uses and Locations

- A. The main point of entry of a medical cannabis establishment shall not be located within one thousand (1,000) feet of the nearest property boundary line of any school, church, childcare facility, or any Lamar County building, including but not limited to, voting precincts/community centers, recreational facilities and fire stations. A medical cannabis establishment may receive a waiver to this distance restriction by receiving approval from the school, church, childcare facility, or County and by applying for a waiver with the state agency provided that the main point of entry of the cannabis establishment is not located within five hundred (500) feet of the nearest property boundary line of any school, church, childcare facility or Lamar County building, including but not limited voting precincts/community centers, recreational facilities and fire stations.

- B. No medical cannabis dispensary shall be located within a one thousand five hundred (1,500) feet radius from the main point of entry of the dispensary to the main point of entry of another medical cannabis dispensary.
- C. A medical cannabis dispensary is a permitted use in the C-3/Highway Commercial and C-4/Major Thoroughfares Commercial zoning districts with the following regulation, to wit:
 - 1. The hours of operation shall be no earlier 9 am and no later than 7 pm, Monday through Saturdays. Sunday hours will be no earlier than 1:00 pm and no later than 6:00 pm.
 - 2. All workers in the dispensary shall have identifications.
 - 3. No dispensary shall have an employee under the age of twenty-one (21)
 - 4. Licenses or permits are to be posted in a conspicuous place
 - 5. No minor under the age of 21 can enter a licensed facility unless the minor is always under the supervision of his or her legal guardian or adult while on the licensed premises
- D. A medical cannabis cultivation or processing facility shall be a permitted use in the C-3/ Highway Commercial and the I-2/Heavy Industrial Districts. They shall be a conditional use in the C-4/Major Thoroughfares Commercial District.
- E. A medical cannabis research or testing facility shall be a permitted use in the C-3/ Highway Commercial and I-2/Heavy Industrial District. They shall be a conditional use in the C-4/Major Thoroughfares District.

Section 600-Variances

- (1) The Lamar County Board of Supervisors shall have the authority, consistent with this Ordinance, to grant variances.
- (2) Any person seeking a variance pursuant to this section shall file an application with the Lamar County Planning Department. The application shall contain information that demonstrates that being in compliance with this Ordinance would constitute an unreasonable hardship on the applicant, on the community, or on other persons. Any individual who claims to be adversely affected by allowances of the variance may file a statement with the planning department containing any information to support such individual's claim. The planning department shall forward the application and any responsive statements to the Lamar County Board of Supervisors for its consideration.

Section 700-Enforcement/Penalties

This Ordinance may be enforced by any law enforcement officer designated by the Lamar County Sheriff’s or any other Law Enforcement Officer of the State of Mississippi or Enforcement Officer designated by the Lamar County Board of Supervisors.

Any violation of any of the provisions of this Ordinance shall be a misdemeanor and any person who shall knowingly and willfully violate the terms, conditions, or provisions of this Ordinance, for violation of which no other criminal penalty is prescribed, shall be guilty of a misdemeanor and upon conviction therefor shall be sentenced to pay a fine of not less than two hundred (\$200) nor more than one thousand dollars (\$1,000.00), or imprisonment for a term not to exceed thirty (30) days, or both such fine and imprisonment. In case of continuing violations, each day shall constitute a separate charge; however, separate violations under this chapter need not be severed for trial when the identity of parties and location exists.

In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any provision in this Ordinance shall be subject to appropriate civil action, including, but not limited to, the declaration of a public nuisance, injunctive relief, or abatement, damages, and sanctions in any court of competent jurisdiction.

Section 800 - Left Blank Intentionally

Section 900 - Left Blank intentionally

Section 1000 -The Lamar County Board of Supervisors reserves the right to amend this Ordinance in the future as needed and without the requirement of a public hearing to so amend unless the said amendment is regarding zoning.

Section 1100 – This Ordinance shall take effect on the 23rd day of July 2022.

Section 1200 – The Clerk of this board is hereby directed to publish this Ordinance one (1) time in a local newspaper that is generally circulated in Lamar County, Mississippi.

The above and foregoing Ordinance, after having been first reduced to writing, and discussed and considered by the Board, was moved for adoption upon the Motion of Supervisor Brent seconded by Supervisor Bass. Thereupon the matter was put to a roll call with the results as follows:

Warren Byrd, President	Yea
Steve Lampton, Vice President	Absent
Terry Bass	Yea
Mitch Brent	Yea
Dale Lucas	Nay

WHEREUPON, the President of the Board declared the Motion carried and the Ordinance so adopted on this the 23rd day of June 2022.

SEE RECORDED
Warren Byrd
President of the Board of Supervisors

ATTEST:

SEE RECORDED
James D. Aultman, Chancery Clerk