

ORDINANCE 02-2025

AN ORDINANCE OF THE CITY OF FORT WRIGHT, IN KENTON COUNTY, KENTUCKY, ESTABLISHING LICENSING REQUIREMENTS AND INITIAL AND RENEWAL LICENSE FEES TO BE IMPOSED, COLLECTED AND ENFORCED RELATED TO THE OPERATION OF MEDICAL CANNABIS BUSINESSES WITHIN THE CITY OF FORT WRIGHT, KENTUCKY.

WHEREAS, the Kentucky General Assembly has enacted legislation pertaining to Medical Cannabis Businesses within the Commonwealth of Kentucky pursuant to KRS 218B.010 through 218B.155 and other applicable law; and

WHEREAS, pursuant to Ordinance 8-2024, the City of Fort Wright, pursuant to K.R.S. Chapter 100, approved and adopted a new Zoning Ordinance of the City of Fort Wright, Kentucky, which included a new text and a new official zoning map for the City of Fort Wright, as the official Zoning Code of the City of Fort Wright, Kentucky ("Zoning Code"); and

WHEREAS, the Zoning Code designated specific zones in which the operation of specifically designated Medical Cannabis Businesses are permitted within the City of Fort Wright, Kentucky; and

WHEREAS, pursuant to KRS 218B.130, the Kentucky General Assembly authorized cities to enact Ordinances related to medical cannabis that are not less restrictive than those imposed by the Commonwealth of Kentucky and relate to the time, place and manner of medical cannabis operations so long as the ordinance does not impose an undue burden or make medical cannabis business operations unreasonable or impractical; and

WHEREAS, pursuant to KRS 218B.130, the Kentucky General Assembly authorized cities to assess reasonable fees, in addition to those assessed by the Commonwealth of Kentucky, to compensate for any additional corrections impact caused by the approval of cannabis business operations within a city; and

WHEREAS, the Kentucky Cabinet for Health and Family Services, pursuant to 915 KAR 1:020, Section 2(2), established initial and annual license fees to be imposed and collected by the Commonwealth of Kentucky for the operation of Medical Cannabis Businesses within the Commonwealth of Kentucky, which fees are outlined in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, the City of Fort Wright, Kentucky has determined that, in order to promote the health, safety and general welfare of the citizens of the City, the City should establish licensing requirements and impose initial and annual license fees for the operation of Medical Cannabis Businesses with the City of Fort Wright, Kentucky; and

WHEREAS, the City of Fort Wright, Kentucky has determined that the initial and annual license fees to be assessed for the operation of Medical Cannabis Businesses within the City shall be an amount equal to ten percent (10%) of those fees assessed by the

Commonwealth of Kentucky for each specific type of Medical Cannabis Business operated within the City as outlined in Exhibit "A" attached hereto and made a part hereof, and that such fees are reasonable to compensate the City for additional corrections impact caused by the approval of cannabis business operations within a City;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF FORT WRIGHT, KENTUCKY, AS FOLLOWS:

SECTION I

Pursuant to KRS 218B.130, the City of Fort Wright, Kentucky establishes the following licensing requirements to any person or entity wishing to operate medical cannabis businesses within the City:

- (1) The licensing process for the operation of Medical Cannabis Businesses within the City of Fort Wright, Kentucky shall be administered by the City Administrative Officer.
- (2) Any person or entity wishing to operate Medical Cannabis Businesses within the City of Fort Wright, Kentucky shall file with the City Administrative Officer an application on forms provided by the City, which shall be verified and which shall contain the following information:
 - (a) The name, age, email address, phone number, address and residence of each applicant and if there is more than one and they are partners, the partnership, names and their addresses; and, if the applicant is a corporation, the application shall contain the name and address of the corporate officers, the board of directors, any stockholder that owns more than 50% of the stock and the name and address of the agent for service of process.
 - (b) The proposed legal name of the cannabis business.
 - (c) Identification of each type of proposed Medicinal Cannabis Business operating at that location (Cultivator, Dispensary, Producer, Processor, Safety Compliance Facility).
 - (d) The name and address of each person interested or to become interested in the business for which the license is being sought, together with the nature of that interest, and if the applicant is a corporation; the names, addresses and agents of each officer, director and managerial employee and the name of the state under the law of which such corporate applicant is incorporated.

- (e) The street and number of the premises to be licensed, whether or not the applicant is the owner of such premises or what interest he or she has therein and the name and address of any other person, either as principal or associate, who is interested with applicant either in the premises or in the business to be licensed.
 - (f) A list (with sufficient evidence to confirm) of measures taken by the applicant to ensure the security and protection of the facility (and its contents) and persons working within the facility during and after business hours.
 - (g) A statement that the applicant will, in good faith, abide by every statute, federal or state, and the ordinances of the City relating to Medicinal Cannabis that may or shall be in force pertaining thereto.
 - (h) An affidavit confirming that the applicant complies and shall continue to comply with all aspects of the applicable building codes, fire codes, and all other applicable state and local laws or regulations.
 - (i) An affidavit confirming that no prospective board member who managed or served on the board was convicted, fined, censured, or had a registration or license suspended or revoked in any administrative or judicial proceedings.
 - G) An affidavit confirming that no principal officer, board member, agent, volunteer, or employee has been convicted of a disqualifying felony offense; or is younger than twenty-one (21) years of age and that no employee, board member, or owner, in part or in whole, is a medicinal cannabis practitioner.
 - (k) A copy of their State issued license for the same purpose and location as evidenced in the application. No person shall cultivate, process, produce, possess, test, transfer, transport, or sell medicinal cannabis or otherwise operate a cannabis business without first obtaining a license from the Commonwealth of Kentucky.
- (3) If the City Administrative Officer is satisfied, in his or her sole discretion, that the license should be granted, a license shall be issued to the applicant. All licenses issued shall contain the following information:
- (a) The name and address of the Licensee.
 - (b) The type of license.
 - (c) A description by street and number of the licensed premises.

- (d) The name and address of the owner of the building in which the licensed premises are located.
 - (e) A statement in substance that the license shall not be a property or vested right and that it may be revoked or suspended at any time pursuant to law.
 - (f) The name and address of the owner of the building in which the licensed premises are located.
 - (g) License expiration date.
- (4) All Medicinal Cannabis Business licenses and renewals shall expire upon the earlier of (1) December 31st following the most recent application or renewal; (2) the revocation of any licenses or permits issued by the Commonwealth of Kentucky authorizing the entity to operate the Medicinal Cannabis Business.
- (5) All applications filed for a license pursuant to this section shall be accompanied by a certified check in the amount of the cost of the license applied therefore, as set forth in Section 2 below. If the application for the license shall be rejected, the check shall be immediately returned to the applicant.

SECTION II

Pursuant to KRS 218B.130, there shall be imposed, assessed and collected by the City of Fort Wright, Kentucky, initial and annual license fees for the operation of Medical Cannabis Businesses within the City in an amount equal to ten percent (10%) of those fees assessed by the Commonwealth of Kentucky for each specific type of Medical Cannabis Business operated within the City, as outlined in Exhibit "A" attached hereto and made a part hereof.

SECTION III

Any and all ordinances in conflict with this ordinance shall be, and hereby are, repealed to the extent of said conflict.

SECTION IV

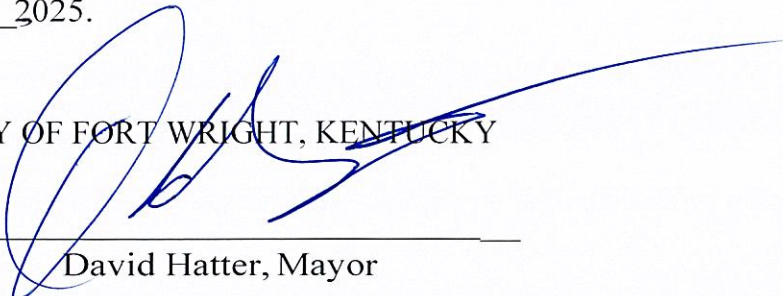
If any provisions of this ordinance or their application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this ordinance are severable.

SECTION V

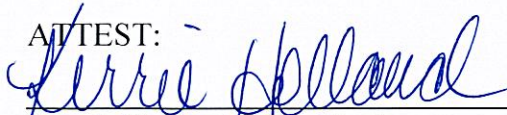
That this ordinance shall become effective upon its passage and shall be published under KRS §83A.060(9) and other applicable laws. The ordinance may be published by summary.

Passed by City Council on March 5 2025.

CITY OF FORT WRIGHT, KENTUCKY

By: _____
David Hatter, Mayor

ATTEST:

_____
Kerrie Holland, City Clerk

FIRST READING: 2-19-25

SECOND READING: 3-5-25

PUBLICATION: 3-15-25

EXHIBIT A

915 KAR 1:020, Section 2(2)

CABINET FOR HEALTH AND FAMILY SERVICES

Office of the Secretary

(Amended at ARRS Committee)

915 KAR 1:020. Cannabis business licenses.

RELATES TO: KRS Chapter 13B, Chapter 218B, 304.39-110, 523.100

STATUTORY AUTHORITY: KRS 218B.140

NECESSITY, FUNCTION, AND CONFORMITY: KRS 218B.140 requires the Cabinet for Health and Family Services to promulgate administrative regulations establishing procedures for the issuance, renewal, suspension, and revocation of cannabis business licenses. This administrative regulation establishes those procedures.

Section 2. License Fees for Cannabis Businesses.

(1) A cannabis business shall pay the applicable license fee by credit card or automated clearing house (ACH) transfer to the cabinet within fifteen (15) calendar days of receipt of the invoice from the cabinet. The cabinet shall not issue a license to a cannabis business that fails to timely pay the applicable license fee.

(2) The initial nonrefundable license fees shall be:

- (a) Tier I cultivator: \$12,000;
- (b) Tier II cultivator: \$25,000;
- (c) Tier III cultivator: \$50,000;
- (d) Tier IV cultivator: \$100,000;
- (e) Processor: \$25,000;
- (f) Producer: \$25,000 plus the applicable cultivator tier initial license fee;
- (g) Dispensary: \$30,000; and
- (h) Safety compliance facility: \$12,000.

(3) The annual renewal license fees, which shall be refundable if the renewal application is denied, shall be:

- (a) Tier I cultivator: \$12,000;
- (b) Tier II cultivator: \$25,000;
- (c) Tier III cultivator: \$50,000;
- (d) Tier IV cultivator: \$100,000;
- (e) Processor: \$25,000;
- (f) Producer: \$25,000 plus the applicable cultivator tier renewal license fee;
- (g) Dispensary: \$30,000; and
- (h) Safety compliance facility: \$12,000.



AFFIDAVIT OF PUBLICATION

See Proof on Next Page

LINK Reader
31 Innovation Aly, Ground Floor
(859) 878-1669

I, Jesse Sassaman, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of LINK Reader, a publication that maintains a "notice website" as that phrase is defined in the State of Kentucky (KRS 424.145), that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper or online notice website at <https://linkreader.column.us/search>, as provided by the requirements of KRS 424, in consecutive issues on the following dates:

PUBLICATION DATES:

Mar. 15, 2025

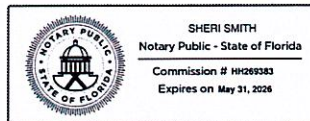
Notice ID: ViBqJ80UZdWl1Ecm3yg3

Notice Name: Ord 02-2025

PUBLICATION FEE: \$94.97

Jesse Sassaman

Agent



VERIFICATION

State of Florida
County of Broward

Subscribed and sworn to before me 03/18/2025

S. Smith

Notary Public
Notarized remotely online using communication technology via Proof.

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WHEREAS, the Zoning Code designated specific zones in which the operation of specifically designated Medical Cannabis Businesses are permitted within the City of Fort Wright, Kentucky; and

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WHEREAS, the Kentucky Cabinet for Health and Family Services, pursuant to 915 KAR 1020, Section 302, established initial and annual license fees to be imposed and collected by the Commonwealth of Kentucky for the operation of Medical Cannabis Businesses within the Commonwealth of Kentucky, which fees are outlined in Exhibit "A" attached hereto and made a part hereof; and

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