

ORDINANCE NO. BG2025 - 1

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 15
(BUSINESS AND GENERAL REGULATIONS) TO
ADD SUBCHAPTER 15-9 (MEDICINAL CANNABIS
BUSINESSES) OF THE CITY OF BOWLING GREEN
CODE OF ORDINANCES

WHEREAS, the City of Bowling Green desires to amend Chapter 15 (Business and General Regulations) of the City of Bowling Green Code of Ordinances to add Subchapter 15-9 (Medicinal Cannabis Businesses); and,

WHEREAS, it is in the best interest of the City to approve these amendments.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky as follows:

1. Chapter 15 (Business and General Regulations) of the Code of Ordinances is hereby amended as follows:

...

15-9 MEDICINAL CANNABIS BUSINESSES.

15-9.01 Definitions.

As used in this Subchapter:

“Applicant” shall mean any person who applies for a Medicinal Cannabis Business license.

“Licensee” shall mean any person who currently holds a Medicinal Cannabis Business license(s) for any Medicinal Cannabis Business.

“Operator” shall mean any person who currently operates a Medicinal Cannabis Business, as defined in KRS Chapter 218B, as may be amended.

“Medicinal Cannabis Business” shall mean either a cultivator, dispensary, processor, producer, or safety compliance facility, as defined in KRS Chapter 218B, as may be amended.

“Cultivator” shall have the same meaning as provided in KRS Chapter 218B, as may be

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amended.

“Dispensary” shall have the same meaning as provided in KRS Chapter 218B, as may be amended.

“Processor” shall have the same meaning as provided in KRS Chapter 218B, as may be amended.

“Producer” shall have the same meaning as provided in KRS Chapter 218B, as may be amended.

“Safety Compliance Facility” shall have the same meaning as provided in KRS Chapter 218B, as may be amended.

15-9.02 Medicinal Cannabis Business License Requirement; Fee.

a. No person or entity shall operate a Medicinal Cannabis Business at any location in the City of Bowling Green unless that person or entity first possesses a valid Medicinal Cannabis Business license for each type of Medicinal Cannabis Business operating at that location.

b. Each application shall be accompanied by a nonrefundable fee of five hundred (\$500.00) dollars. This amount shall be in addition to the Business Registration Fee required by Chapter 18 of the City’s Code of Ordinances.

c. The City is authorized to promulgate such forms and implement procedures as reasonably necessary and consistent with state law and this Subchapter for the orderly and efficient processing of Medicinal Cannabis Business license applications and renewals. Provided, however, that an Applicant shall be required to provide the following information as part of its application for the initial Medicinal Cannabis Business license and each renewal:

1. Address of each proposed Medicinal Cannabis Business;
2. Identification of each type of proposed Medicinal Cannabis Business operating

at that location (Cultivator, Dispensary, Producer, Processor, Safety Compliance Facility);

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3. Name, address, phone number, and email address of the Applicant;

4. Name, address, phone number, and email address of the Operator, if different from the Applicant; and,

5. A verification of zoning compliance form executed by an authorized representative of the City-County Planning Commission.

d. All applications shall be conditioned upon issuance of a valid license issued by the appropriate cabinet pursuant to KRS Chapter 218B, as may be amended.

e. The Operator of a Medicinal Cannabis Business may apply on behalf of the owner of the Medicinal Cannabis Business, with the express written permission of the owner and conditioned upon identity of the owner in the application.

f. All Medicinal Cannabis Business licenses and renewals shall expire upon the earlier of (1) December 31 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.

g. The Department of Finance may refuse to issue or renew a license, or may revoke the license of an existing Medicinal Cannabis Business in the following circumstances:

1. When the Applicant intentionally or knowingly makes a false statement as to a material matter in an application;

2. When the Applicant fails to complete any part of the application;

3. When the Licensee has failed to pay any fee, tax, fine, or penalty related to a violation of this Subchapter;

4. When the Medicinal Cannabis Business is subject to unsatisfied occupational license fees, ad valorem taxes, penalties, fines, or liens assessed or levied by the City pursuant to any subchapter of the Code of Ordinances; and,

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5. When the Operator of the Medicinal Cannabis Business fails to comply with any applicable state or local law or regulation, including, without limitation, occupational license fees, mandatory zoning, building, safety, maintenance, health, sanitation, fire, electrical, plumbing, and mechanical codes.

A Licensee whose Medicinal Cannabis Business license is revoked is not eligible to apply for another Medicinal Cannabis Business license at any location for a period of two (2) years. This provision shall also prohibit the Operator and Owner of the Licensee from applying for a Medicinal Cannabis Business license in the name of a different Applicant.

15-9.03 Occupational License Fees.

Licensees are responsible for timely filing of returns and payment of occupational license fees pursuant to Chapter 18 (Occupational License Fees and Taxes) of the City of Bowling Green Code of Ordinances.

15-9.04 Procedure to Deny, Revoke, or Fail to Renew a Medicinal Cannabis Business License; Enforcement and Appeals.

a. This Subchapter shall be enforced by the Department of Finance, Licensing Division, in conjunction with the Bowling Green Police Department, Department of Law, and Citation Officers for the City-County Planning Commission.

b. Upon finding that a condition exists to deny an application, revoke a license, or fail to renew a Medicinal Cannabis Business License, the Department of Finance shall issue a letter to the Licensee or Applicant requiring that it come forward and show cause why the above action should not be taken.

c. The Licensee or Applicant shall have thirty (30) calendar days to respond to the Department of Finance letter in writing and present evidence showing that the proposed action should not be taken.

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d. The Department of Finance shall determine whether the Licensee or Applicant has produced sufficient information to contest the proposed action.

e. Failure to respond to the Department of Finance's letter or otherwise present evidence shall result in the department taking the proposed action described in the letter.

f. If the Department of Finance determines there is not sufficient evidence, upon a request of the Licensee or Applicant the City Attorney may hold an informal hearing. The decision of the City Attorney shall be final.

g. Violation of the Zoning Ordinance shall be enforced by citation issued by a Citation Officer of the City-County Planning Commission. Appeals may be taken to the Code Enforcement and Nuisance Board pursuant to the procedures in Chapter 2 (Administration).

Nothing provided herein shall limit the power of the Department of Finance to deny, revoke, or fail to renew the license of a Medicinal Cannabis Business. Nothing provided herein shall limit the power of the Bowling Green Police Department to enforce violations of Kentucky Revised Statutes. In addition to the penalties provided herein, the Department of Law is authorized to bring and prosecute civil actions for violations of this Subchapter as appropriate, including, without limitation, actions for injunctive relief and declarations of rights, in any court of competent jurisdiction.

2. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

3. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on January 21, 2025, and given final reading on February 4, 2025,

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and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: February 4, 2025

APPROVED: 
Mayor, Chairman of Board of Commissioners

ATTEST: 
City Clerk

SPONSORED BY: Jeffery B. Meisel, City Manager