

## ORDINANCE NO. 15-1017

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### **AN ORDINANCE OF THE CITY OF OREGON CITY DECLARING A BAN ON MEDICAL MARIJUANA PROCESSING SITES, MEDICAL MARIJUANA DISPENSARIES, RECREATIONAL MARIJUANA PRODUCERS, RECREATIONAL MARIJUANA PROCESSORS, RECREATIONAL MARIJUANA WHOLESALERS AND RECREATIONAL MARIJUANA RETAILERS, REFERRING THIS ORDINANCE TO THE VOTERS OF OREGON CITY FOR THEIR CONSIDERATION AND DECLARING AN EMERGENCY**

**WHEREAS**, the Oregon Medical Marijuana Act, as amended by House Bill 3400 (2015) provides that the Oregon Health Authority will register medical marijuana processing sites and medical marijuana dispensaries; and

**WHEREAS**, Measure 91, which the voters of the State of Oregon adopted in November 2014, directs the Oregon Liquor Control Commission to license the production, processing, wholesale and retail sale of recreational marijuana; and

**WHEREAS**, section 134 of House Bill 3400 provides that a City Commission may adopt an ordinance to be referred to the electors of the City prohibiting the establishment of certain state-registered and state-licensed marijuana businesses in the area subject to the jurisdiction of the City; and

**WHEREAS**, the City Commission wants to refer the question of whether to prohibit recreational marijuana producers, processors, wholesalers and retailers, as well as medical marijuana processors and medical marijuana dispensaries to the voters of Oregon City.

### **NOW, THEREFORE, THE CITY OF OREGON CITY ORDAINS AS FOLLOWS:**

**Section 1.** Ban declared. As described in section 134 of House Bill 3400 (2015), the City of Oregon City hereby prohibits the establishment and operation of the following in the area subject to the jurisdiction of the City of Oregon City:

- a. Marijuana (recreational and medicinal) processing sites;
- b. Medical marijuana dispensaries;
- c. Marijuana producers;
- d. Marijuana processors;
- e. Marijuana wholesalers; and
- f. Marijuana retailers.

**Section 2.** Exception. The prohibition set out in this ordinance does not apply to a marijuana processing site or medical marijuana dispensary that meets the conditions set out in subsection 6 or 7 of section 134 or section 136 of House Bill 3400 (2015).

**Section 3.** Referral. This ordinance shall be referred to the electors of the City of Oregon City at the next statewide general election on Tuesday, November 8, 2016.

**Section 4.** Definitions.

- a. Marijuana. Means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.
- b. Marijuana processing site. Means an entity registered with the Oregon Health Authority to process marijuana.
- c. Marijuana processor. Means an entity licensed by the Oregon Liquor Commission to process marijuana.
- d. Marijuana producer. Means an entity licensed by the Oregon Liquor Commission to manufacture, plant, cultivate, grow or harvest marijuana.
- e. Marijuana retailer. Means an entity licensed by the Oregon Liquor Commission to sell marijuana items to a consumer in this State.
- f. Marijuana wholesaler. Means an entity licensed by the Oregon Liquor Commission to purchase items in this state for resale to a person other than a consumer.
- g. Medical marijuana dispensary. Means an entity registered with the Oregon Health Authority to transfer marijuana.

**Section 5.** Emergency. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on November 4, 2015.

Read for the first time at a regular meeting of the City Commission held on the 4th day of November, and the City Commission finally enacted the foregoing ordinance this 4th day of November, 2015.

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DAN HOLLADAY, Mayor

Attested to this 4th day of November, 2015:

Approved as to legal sufficiency:

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Kattie Riggs, City Recorder

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City Attorney