

## ORDINANCE NO. 14-1005

---

### **AN ORDINANCE OF THE CITY OF OREGON CITY DECLARING A MORATORIUM ON MEDICAL MARIJUANA FACILITIES, AND DECLARING AN EMERGENCY**

**WHEREAS**, the Oregon Legislature enacted House Bill 3460 (2013) which requires the Oregon Health Authority to develop and implement a process to register medical marijuana facilities; and

**WHEREAS**, House Bill 3460 (2013) directed that persons who operate or are employed by a registered medical marijuana facility would enjoy immunity from state prosecution; and

**WHEREAS**, the issue of whether a local government believes a certain type of business should operate within its jurisdictional limits is a local government decision, the enforcement of which is subject to the general and police powers of that jurisdiction; and

**WHEREAS**, the Oregon Legislature enacted Senate Bill 1531 (2014) which removes immunity from state prosecution for a person who is responsible for or employed by a registered medical marijuana facility located in an area subject to the jurisdiction of a city or county that enacts a moratorium prohibiting the operation of a medical marijuana facility; and

**WHEREAS**, the Oregon City Commission believes it is in the best interests of the health, safety and welfare of the citizens of the City of Oregon City to enact such a moratorium prohibiting the operation of medical marijuana facilities within the jurisdictional boundaries of Oregon City.

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

Section 1 - Moratorium Declared. The City of Oregon City hereby prohibits the operation of any medical marijuana facility in any area subject to the jurisdiction of the City of Oregon City. As used in this section, "medical marijuana facility" includes any facility that dispenses marijuana pursuant to ORS 475.314 or any other provision of Oregon law.

Section 2. Enforcement. The Oregon City Police Chief is charged with enforcement of the moratorium.

Section 3. Remedies Not Exclusive. The remedies available under Senate Bill 1531 (2014) for a violation of the moratorium imposed by this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law. It is within the discretion of the City of Oregon City to seek cumulative remedies for a violation of the moratorium imposed by this ordinance.

Section 4. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

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 its passage.

Read for the first time at a regular meeting of the City Commission held on the \_\_\_\_ day of \_\_\_\_ 2014, and the City Commission finally enacted the foregoing ordinance this \_\_\_\_ day of \_\_\_\_ 2014.

\_\_\_\_\_  
DOUG NEELEY, Mayor

Attested to this \_\_\_\_ day of \_\_\_\_ 2014:

Approved as to legal sufficiency:

\_\_\_\_\_  
Nancy Ide, City Recorder

\_\_\_\_\_  
City Attorney