

ORDINANCE NO. 1427

**AN ORDINANCE OF THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON,
DECLARING A BAN ON MARIJUANA BUSINESSES AND OTHER SITES;
REFERRING ORDINANCE; 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 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 HB 3400 provides that a city council 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 Canby City Council desires to refer the question of whether to prohibit marijuana businesses and sites to the voters of Canby; now therefore

THE CITY OF CANBY, OREGON, ORDAINS AS FOLLOWS:

DEFINITIONS.

Marijuana means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae, and the seeds of the plant Cannabis family Cannabaceae.

Marijuana processing site means any entity registered with the Oregon Health Authority to process marijuana.

Marijuana processor means any entity licensed by the Oregon Liquor Control Commission to process the marijuana.

Marijuana producer means any entity licensed by the Oregon Liquor Control Commission to manufacture, plant, cultivate, grow, or harvest marijuana.

Marijuana retailer means any entity licensed by the Oregon Liquor Control Commission to sell marijuana items to a consumer in this state.

Marijuana wholesaler means any entity licensed by the Oregon Liquor Control Commission to purchase marijuana items in this state for resale to a person other than a consumer.

Medical marijuana dispensary means any entity registered with the Oregon Health Authority to transfer marijuana.

BAN DECLARED. As described in section 134 of House Bill 3400 (2015), the City of Canby, Clackamas County, Oregon, hereby prohibits the establishment and operation of the following in the area subject to the jurisdiction of the city:

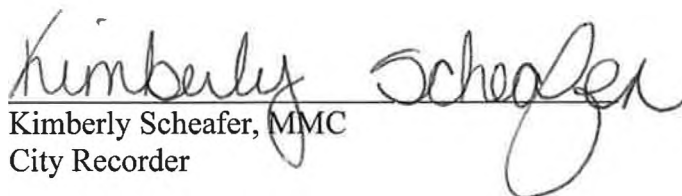
- (a) Marijuana processing sites;
- (b) Medical marijuana dispensaries;
- (c) Marijuana producers;
- (d) Marijuana processors;
- (e) Marijuana wholesalers;
- (f) Marijuana retailers.

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 subsections 6 or 7 of section 134, section 136, or section 137 of House Bill 3400 (2015).

REFERRAL. This ordinance shall be referred to the electors of the City of Canby, Clackamas County, Oregon at the next statewide general election on Tuesday, November 8, 2016.

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 shall be in full force and effect upon passage.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, October 21, 2015 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on Wednesday, November 4, 2015, commencing at the hour of 7:30 PM in the Council Meeting Chambers located at 155 NW 2nd Avenue, Canby, Oregon.


Kimberly Scheafer, MMC
City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 4th day of November 2015, by the following vote:

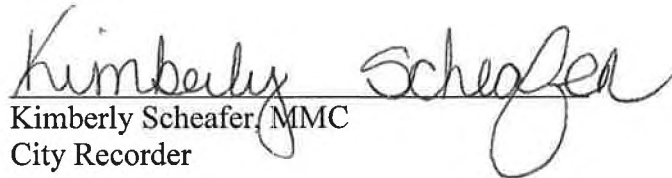
YEAS 6

NAYS 0



Brian Hodson
Mayor

ATTEST:



Kimberly Scheafer, MMC
City Recorder