

Ordinance No. 1189-A
Introduced by All Commissioners

**AN ORDINANCE 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 Oregon Legislature enacted Senate Bill 1531 (2014) which affirmatively afforded Oregon cities the ability to impose a moratorium on medical marijuana dispensaries to locate within their boundaries until May 1, 2015; and

WHEREAS, Senate Bill 1531 (2014) 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 issue of whether a local government determines 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 City Commission has determined that it is in the best interests of the health, safety and welfare of the citizens of City of Warrenton to enact such a moratorium prohibiting the operation of a medical marijuana facilities within the jurisdictional boundaries of the City of Warrenton.

Now therefore, the City of Warrenton ordains as follows:

Section 1. MORATORIUM DECLARED. The City of Warrenton hereby issues a moratorium prohibiting the operation of any medical marijuana facility in any area subject to the jurisdiction of the City of Warrenton as they now exist or may be expanded. 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. DURATION OF MORATORIUM. The moratorium imposed by this ordinance shall be effective until May 1, 2015, unless rescinded sooner.

Section 3. ENFORCEMENT. The City Manager is charged with enforcement of the moratorium.

Section 4. 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 Warrenton to seek cumulative remedies for a violation of the moratorium imposed by this ordinance.

Section 5. 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 6. OREGON HEALTH AUTHORITY NOTICE. A copy of this Ordinance shall be forwarded to the Oregon Health Authority by regular mail and by any other such means as required by rule of the Oregon Health Authority.

Section 7. EMERGENCY. This Ordinance being necessary for the immediate protection of the health, safety and welfare of the citizens and residents of the City of Warrenton, an emergency hereby is declared to exist and this Ordinance shall take full force and effect immediately upon its adoption by the Commission of the City of Warrenton.

ADOPTED by the City of Warrenton, Oregon, this 8th day of April, 2014.

First Reading: March 25, 2014

Second Reading: April 8, 2014

Approved:



Mayor Mark Kujala

Attest:


Linda Engbretson, City Recorder