



Home of the Tualatin River National Wildlife Refuge

ORDINANCE 2016-002

DECLARING A BAN ON RECREATIONAL MARIJUANA PRODUCERS, RECREATIONAL MARIJUANA PROCESSORS, RECREATIONAL MARIJUANA WHOLESALERS, AND RECREATIONAL MARIJUANA RETAILERS; REFERRING ORDINANCE

WHEREAS, Measure 91, which the voters 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-licensed marijuana businesses in the area subject to the jurisdiction of the city; and

WHEREAS, the Sherwood City Council wants to refer the question of whether to prohibit recreational marijuana producers, processors, wholesalers, and retailers to the voters of the City of Sherwood;

NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1. Findings.

After full and due consideration of the information presented, the Council finds that the text of the Sherwood Municipal Code shall be amended to adopt a ban on certain specified recreational marijuana-related businesses, and the proposed amendments, if approved by the voters, shall be added as chapter 5.30 in the Business Licenses and Regulations title of the Municipal Code.

Section 2. Approval.

The proposed amendments for the Municipal Code identified in the attached Exhibit 1, are hereby **APPROVED**.

Section 3. Manager Authorized

The City Manager is hereby directed and authorized to adopt rules and to take such other actions as may be necessary to implement this ordinance, including necessary updates to the Municipal Code.

Section 4. Referral

This ordinance shall be referred to the electors of the City of Sherwood at the next statewide general election on Tuesday, November 8, 2016. The City Attorney shall prepare a resolution

EXHIBIT 1

5.30 Recreational Marijuana Businesses

5.30.010 Definitions

As used in this chapter, unless the context requires otherwise:

- (1) "Marijuana" means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.
- (2) "Recreational Marijuana Processor" means an entity licensed by the Oregon Liquor Control Commission to process Marijuana.
- (3) "Recreational Marijuana Producer" means an entity licensed by the Oregon Liquor Control Commission to manufacture, plant, cultivate, grow or harvest Marijuana.
- (4) "Recreational Marijuana Retailer" means an entity licensed by the Oregon Liquor Control Commission to sell Marijuana items to a consumer in this state.
- (5) "Recreational Marijuana Wholesaler" means an entity licensed by the Oregon Liquor Control Commission to purchase Marijuana items in this state for resale to a person other than a consumer.

5.30.020 Ban Declared

As described in section 134 of House Bill 3400 (2015), the City of Sherwood hereby prohibits the establishment and operation of the following in the area subject to the jurisdiction of the City:

- (1) Recreational Marijuana Producers;
- (2) Recreational Marijuana Processors;
- (3) Recreational Marijuana Wholesalers;
- (4) Recreational Marijuana Retailers.