



Ordinance Failed
Lack of Motion
01.19.16 S.M.

ORDINANCE 2016-004

DECLARING A BAN ON MEDICAL MARIJUANA PROCESSING SITES AND MEDICAL MARIJUANA DISPENSARIES; REFERRING ORDINANCE

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, 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 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 medical marijuana processors and medical marijuana dispensaries 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 medical marijuana-related businesses, and the proposed amendments, if approved by the voters, shall be added as chapter 5.31 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 for presentation to the Council referring this matter to said election and approving a ballot title and explanatory statement.

Section 5. Effective Date

This ordinance shall be effective upon certification of the election results by the City Council, if it receives the affirmative majority of the total number of votes cast thereon.

Duly passed by the City Council this 19th day of January, 2016.

Krisanna Clark, Mayor

Date

Attest:

Failed SM.

Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Brouse	_____	_____
Robinson	_____	_____
Kuiper	_____	_____
King	_____	_____
Henderson	_____	_____
Harris	_____	_____
Clark	_____	_____

EXHIBIT 1

5.31 Medical Marijuana Businesses

5.31.010 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) "Medical Marijuana Processing Site" means an entity registered with the Oregon Health Authority to process Marijuana.
- (3) "Medical Marijuana Dispensary" means an entity registered with the Oregon Health Authority to transfer Marijuana.

5.31.020 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) Medical Marijuana Processing Sites;
- (2) Medical Marijuana Dispensaries;

5.31.030 Exception

The prohibition set out in this ordinance does not apply to a Medical 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).