

CITY OF DUNES CITY, LANE COUNTY, OREGON

RESOLUTION SERIES 2017, NO. 17 (09/13/2017)

Effective Date: 09/13/2017

A RESOLUTION APPROVING REFERRAL TO THE ELECTORS OF THE CITY OF DUNES CITY THE QUESTION OF BANNING MEDICAL MARIJUANA PROCESSING SITES, MEDICAL MARIJUANA DISPENSARIES, RECREATIONAL MARIJUANA PRODUCERS, RECREATIONAL MARIJUANA PROCESSORS, RECREATIONAL MARIJUANA WHOLESALERS, AND RECREATIONAL MARIJUANA RETAILERS WITHIN THE CITY OF DUNES CITY.

WHEREAS, Oregon Revised Statutes (ORS) 475B.800 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 City Council of Dunes City adopted Ordinance No. 245 on September 13, 2017, which prohibits the establishment of marijuana processing sites, medical marijuana dispensaries; marijuana producers; marijuana processors; marijuana wholesalers; marijuana retailers; and any combination of the entities described in this paragraph, in the area subject to the jurisdiction of the City, except those entities that have already obtained Land Use Compatibility Statement approvals; and

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE FOREGOING, THE DUNES CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

MEASURE. A measure election is hereby called for the purpose of referring to the electors of the City of Dunes City, Ordinance 245, an ordinance prohibiting the establishment of certain marijuana activities in the area subject to the jurisdiction of the City. Ordinance 245 is incorporated herein by this reference.

ELECTION CONDUCTED BY MAIL. The measure election shall be held in the City of Dunes City on November 6, 2018, the time set for the next general election. As required by ORS 254.465, the measure election shall be conducted by mail by the County Clerk of Lane County, according to the procedures adopted by the Oregon Secretary of State.

DELEGATION. The City of Dunes City authorizes the City Administrator or other appropriate City official or designee, to act on behalf of the City and take such further action as is necessary to carry out the intent and purposes set forth herein, in compliance with the applicable provisions of law.

PREPARATION OF BALLOT TITLE. The City Council hereby adopts the ballot title attached as Exhibit 1.

NOTICE OF BALLOT TITLE AND RIGHT TO APPEAL. Upon receiving the ballot title for this measure the City Elections Officer shall publish in the next available edition of a newspaper of general circulation in the City a notice of receipt of the ballot title, including notice that an elector may file a petition for review of the ballot title.


EXPLANATORY STATEMENT. The explanatory statement for the measure, which is attached hereto as Exhibit 2 and incorporated herein by reference, is hereby approved.

FILING WITH COUNTY ELECTIONS OFFICE. The City Elections Officer shall deliver the Notice of Measure Election to the County Clerk for Lane County for inclusion on the ballot for the November 6, 2018 general election.

EFFECTIVE DATE. This resolution is effective upon adoption.

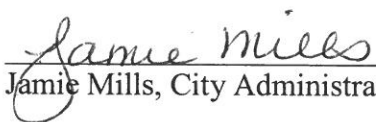
ADOPTED BY THE DUNES CITY COUNCIL THIS 13th DAY OF SEPTEMBER, 2017.

Ayes: 4 Nays: 1 Abstain: _____ Absent: _____ Vacant: 1



SHELDON MEYER, Council President

ATTEST:



Jamie Mills, City Administrator/Recorder

Notice of Receipt of Ballot Title

Notice is hereby given that a ballot title for a City Council referred measure was filed with the Elections Officer of the City of Dunes City on September 14, 2017.

Electors may submit a petition for review of this ballot title in the Lane County Circuit Court no later than 5:00 p.m. on Tuesday, September 26, 2017.

The text of the ballot title is as follows:

CAPTION: Prohibits certain marijuana registrants and/or licenses in Dunes City.

QUESTION: Shall Dunes City prohibit medical marijuana processors, medical marijuana dispensaries, recreational marijuana producers, processors, wholesalers, and retailers in Dunes City?

SUMMARY: State law allows operation of registered medical marijuana processors, medical marijuana dispensaries and licensed recreational marijuana producers, processors, wholesalers, and retailers. State law provides that a City Council may adopt an ordinance to be referred to the voters to prohibit the establishment of any of those registered or licensed activities.

Approval of this measure would prohibit the establishment and operation of medical marijuana processors, medical marijuana dispensaries, recreational marijuana producers, processors, wholesalers, and retailers within the area subject to the jurisdiction of the City, provided that state law allows for continued operation of medical marijuana processor and medical marijuana dispensaries already registered, or in some cases, that have applied to be registered, and that have successfully completed a local land use application process.

If this measure is approved, the City will be ineligible to receive distributions of State marijuana tax revenues and will be unable to impose a local tax or fee on the production, processing or sale of marijuana or any product into which marijuana has been incorporated.

Notice is also hereby given that a regular city election will be held in the City of Dunes City on November 13, 2018.

Published pursuant to ORS 250.275
Jamie Mills, City Administrator/Recorder
September 16, 2017