

**CITY OF DUNES CITY
LANE COUNTY, OREGON
ORDINANCE NO. 227**

**AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON
MEDICAL MARIJUANA FACILITIES IN THE CITY
AND DECLARING AN EMERGENCY**

WHEREAS, during the 2013 Special Legislative Session, the Oregon Legislature passed HB 3460, which allows for the establishment and registration of medical marijuana facilities; and

WHEREAS, HB 3460 took effect on March 1, 2014, and the Oregon Health Authority began accepting applications for registration of medical marijuana facilities on March 3, 2014; and

WHEREAS, marijuana is classified as a Schedule I Controlled Substance under the Federal Controlled Substances Act, the use, possession, and sale of which is currently illegal under federal law; and

WHEREAS, this conflict between state and federal law creates uncertainty about cities' ability to regulate medical marijuana facilities within their boundaries in compliance with both state and federal law; and

WHEREAS, the City Council desires time to: 1) understand the impact of state and federal legislation regarding marijuana, 2) understand the impact of the Oregon Administrative Rules governing medical marijuana facilities, 3) gather input from community members about potential impacts of such a facility in the City of Dunes City, 4) consider the outcome of potential litigation surrounding the placement and regulation of medical marijuana facilities, and 5) consider local regulation of the placement and operation of medical marijuana facilities; and

WHEREAS, pursuant to Article IX, Section 2 of the Oregon Constitution and the Dunes City Charter, the City of Dunes City is a home rule municipality with all the powers that the constitutions, statutes, and common law of the United States and the State of Oregon expressly or impliedly grant or allow the City; and

WHEREAS, the 2014 Oregon Legislature approved Senate Bill 1531, which explicitly allows cities in Oregon to adopt reasonable regulations on the operation of medical marijuana facilities, including: 1) reasonable limitations on the hours during which a medical marijuana facility may be operated, 2) reasonable limitations on where a medical marijuana facility may be located within an agricultural, industrial, commercial, or mixed use zone, and 3) reasonable conditions on the manner in which a medical marijuana facility may dispense medical marijuana; and

WHEREAS, SB 1531 also allows cities to impose moratoria on the operation of medical marijuana facilities within the jurisdiction of the city until May 1, 2015;

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

Section 1. Pursuant to Senate Bill 1531 (2014), a moratorium on the operation of registered medical marijuana facilities within the City of Dunes City is hereby declared. The moratorium shall take effect immediately upon adoption of this Ordinance and shall expire at 11:59:59 p.m. on April 30, 2015, unless earlier terminated by an ordinance adopted by the City Council.

Section 2. The City Administrator is hereby directed to notify the Oregon Health Authority of the adoption of this Ordinance and to file a copy of this Ordinance with the Oregon Health Authority.

Section 3. The City Council may take further action to regulate medical marijuana facilities at any time during the term of this moratorium.

Section 4. This Ordinance being necessary for the immediate protection of the peace, health, safety, and welfare of the citizens of the City of Dunes City, an emergency is declared to exist and this Ordinance shall take effect upon its passage.

The first and second reading of this Ordinance was conducted in a special session of the City Council of Dunes City, Oregon, on the 29th day of April 2014.

Ayes: 6 Nays: 0 Abstain: 0 Absent: 0 Vacant: 0

ADOPTED BY THE DUNES CITY COUNCIL THIS 29th DAY OF APRIL 2014


Rebecca Ruede, Mayor

ATTEST:


Fred Hilden, City Recorder