

ORDINANCE NO. 226-14

AN ORDINANCE OF THE CITY OF IRRIGON DECLARING A MORATORIUM ON MEDICAL MARIJUANA FACILITIES, AND DECLARING AND EMERGENCY

WHEREAS: The Oregon Legislature enacted House Bill 3640 (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: Pursuant to Article XI, section 2 of the Oregon Constitution, the City of Irrigon has “home rule” authority over the civil affairs of its City; and

WHEREAS: The issue of whether a local government believes a certain type of business should operate within its jurisdiction limits is a local government decision, the enforcement of which is subject to the general and police powers of that jurisdiction; and

WHEREAS: The Oregon Legislature enacted Senate Bill 1531 (2014) which 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 City of Irrigon believes it is in the best interest of the health, safety and welfare of community members of the City of Irrigon to enact such a moratorium prohibiting the operation of medical marijuana facilities within the jurisdictional boundaries of the City of Irrigon; and

NOW, THEREFORE, The City Council of the City of Irrigon ordains as follows:

MORATORIUM DECLARED: The City of Irrigon hereby prohibits the operation and or construction of any medical marijuana facility in any area subject to the jurisdiction of the City of Irrigon. As used in this ordinance, “medical marijuana facility” includes any facility that dispenses marijuana pursuant to ORS 475.314 or any other provision of Oregon or Federal law.

DURATION: The moratorium imposed by this ordinance shall be effective upon passage with a sunset date of May 1, 2015, unless sooner rescinded.

ENFORCEMENT: The designated City Code Enforcement Officer is charged with enforcing this ordinance.

VIOLATION: A person who violates this moratorium commits a civil infraction and shall be subject to a fine of up to \$500. Each violation, and each day that a violation continues, constitutes a separate civil infraction.

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 applicable federal, state, or local law. It is within the discretion of the City of Irrigon to seek cumulative remedies for a violation of the moratorium imposed by this ordinance.

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 application of this ordinance that can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are severable.

EMERGENCY: This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance takes effect on its passage.

Passed by the Council this 15th day of April, 2014

Approved by:

Sam Heath

Sam Heath, Mayor

Attested to:

Arron Palmquist
Arron Palmquist, City Manager/Recorder