

ORDINANCE NO. 237-15

AN ORDINANCE TO OPT OUT OF MARIJUANA ACTIVITIES INCLUDING BOTH MEDICAL AND RECREATIONAL OPERATIONS AS ALLOWED UNDER SECTION 133(2), CHAPTER 614, OREGON LAWS 2015 (ENROLLED HOUSE BILL 3400)

WHEREAS, the City Charter authorizes the City of Irrigon to exercise authority within the city over matters of City concern; and

WHEREAS, the City of Irrigon did adopt a medical marijuana moratorium on April 15, 2014 as Ordinance No. 226-14 with a sunset date of May 1, 2015; and

WHEREAS, a Marijuana Task Force was formed to discuss how Irrigon and the communities within Morrow County would address medical marijuana facilities and agreed that strict land use measures should be put into place; and

WHEREAS, the City of Irrigon took such action and adopted land use regulations defining Medical Marijuana Dispensaries and Facilities, but did not allow them in any Irrigon Use Zone; and

WHEREAS, the City of Irrigon put those regulations into effect on April 15, 2015 to be in place at the point in time the moratorium expired; and

WHEREAS, a Marijuana Task Force resumed activity at the conclusion of the 2015 Oregon Legislative session and recommends that Irrigon and communities within Morrow County take advantage of the Opt Out provisions within HB 3400; and

WHEREAS, the City of Irrigon did hold a Public Hearing on Tuesday October 20, at 6:00 p.m. at Irrigon City Hall; and

WHEREAS, based on the testimony received and the deliberations of the City of Irrigon City Council, the City Council desires to prohibit the operation of medical marijuana processing sites, medical marijuana dispensaries, retail marijuana producers, retail marijuana processors, retail marijuana wholesalers, and retail marijuana retailers.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IRRIGON ORDAINS AS FOLLOWS:

Section 1: Ordinance Identified

Section 2: Effect of Ordinance

Section 3: Findings of the Council

Section 4: Effective Date with Emergency

Section 1 Title of Ordinance: This Ordinance shall be known, and may be cited, as the 2015 Marijuana Opt Out Ordinance.

Section 2 Effect of Ordinance:

In accordance with Section 133(2), chapter 614, Oregon Laws 2016 (Enrolled House Bill 3400), the following are prohibited in the area subject to the jurisdiction of the City of Irrigon:

- a. Marijuana processing sites registered under Section 85, Chapter 614, Oregon Laws 2015.
- b. Medical marijuana dispensaries registered under ORS 475.314.
- c. Marijuana producers licensed under Section 19, Chapter 1, Oregon Laws 2015.
- d. Marijuana processors licensed under Section 20, Chapter 1, Oregon Laws 2015.
- e. Marijuana wholesalers licensed under Section 21, Chapter 1, Oregon Laws 2015.
- f. Marijuana retailers licensed under Section 22, Chapter 1, Oregon Laws 2015.

The text of this ordinance shall be provided:

- a. To the Oregon Health Authority, in the form and manner prescribed by the authority; and
- b. To the Oregon Liquor Control Commission, in the form and manner prescribed by the commission.

Section 3 Findings of the City Council:

- The Irrigon City Council has heard residents provide testimony to their concerns that marijuana activities near schools and parks, and availability to the general public and children, is not desired.
- The Planning Commission previously determined that the ability for an individual with a medical condition that warranted the use of medical marijuana could still obtain medical marijuana through the current card holder program. Or stated differently, medical marijuana is available to Irrigon residents who have met the necessary requirements of the Medical Marijuana program managed by the Oregon Health Authority.
- The City of Irrigon has heard and acknowledges there are concerns with the availability of marijuana, including but not limited to, conflict with federal laws. It has been noted that it would not be appropriate to allow dispensaries, grow sites, or laboratories on land zoned in the City of Irrigon. Additionally, the City of Irrigon Planning Commission was opposed to retail marijuana activities.
- The risk to children, impacts to public gathering locations, and the general nuisance caused by marijuana are of concern to the residents of Irrigon and their concerns are **greater** than any identified need for or benefit from marijuana activities.
- The City of Irrigon is a “qualifying city or county” and defeated the 2014 Ballot Measure 91 by 61 percent.

Section Effective Date with Emergency:

The City Council declares an emergency with the effective date of this Ordinance to be effective after its Second Reading, in accordance with City Charter.

Date of First Reading: October 20, 2015

Date of Second Reading: November 17, 2015

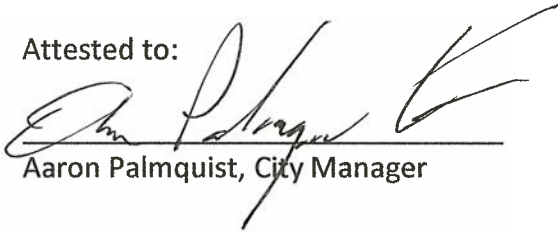
Passed by the Council this 17th day of November 2015

Approved by:

Sam Heath

Sam Heath, Mayor

Attested to:



Aaron Palmquist, City Manager