

## ORDINANCE NO. 14-679-O

AN ORDINANCE DECLARING A MORATORIUM ON MEDICAL MARIJUANA FACILITIES FOR THE CITY OF COLUMBIA CIYT, OREGON; DECLARING AN EMERGENCY.

WHEREAS, the Oregon Legislature enacted House Bill 3460 (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, the issue of whether a local government believes a certain type of business should operate within its jurisdictional 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 Council believes it is in the best interests of the health, safety and welfare of the citizens of the City of Columbia City to enact such a moratorium prohibiting the operation of medical marijuana facilities within the jurisdictional boundaries of Columbia City.

NOW THEREFORE, The City of Columbia City ordains as follows:

SECTION 1. MORATORIUM DECLARED. The City of Columbia City hereby prohibits the operation of any medical marijuana facility in any area subject to the jurisdiction of the City of Columbia City. As used in this section, "medical marijuana facility" includes any facility that dispenses marijuana pursuant to ORS 475.314 or any other provision of Oregon law.

SECTION 2. DURATION OF MORATORIUM. The moratorium imposed by this ordinance shall be effective until May 1, 2015, unless rescinded sooner.

SECTION 3. ENFORCEMENT. The Columbia City Chief of Police is charged with enforcement of the moratorium.

SECTION 4. 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 any applicable federal, state or local law. It is within the discretion of the City of Columbia City to seek cumulative remedies for a violation of the moratorium imposed by this ordinance.

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[SECTION 5. SEVERABILITY.]

[SECTION 6. EMERGENCY.]

Passed by the council March 20, 2014 and approved by the mayor March 21, 2014.