

## **ORDINANCE No. A-236**

### **AN ORDINANCE DECLARING A BAN ON MEDICAL MARIJUANA PROCESSING SITES, MEDICAL MARIJUANA DISPENSARIES, RECREATIONAL MARIJUANA PRODUCERS, RECREATIONAL MARIJUANA PROCESSORS, RECREATIONAL MARIJUANA WHOLESALERS, AND RECREATIONAL MARIJUANA RETAILERS, PROHIBITING BUSINESSES OPERATING CONTRARY TO STATE AND FEDERAL LAW AND REFERRING ORDINANCE AND DECLARING AN EMERGENCY**

WHEREAS, the Oregon Medical Marijuana Act, as amended by House Bill 3400 (Chapter 614, Oregon Laws 2015) provides that the Oregon Health Authority will register medical marijuana processing sites and medical marijuana dispensaries;

WHEREAS, Measure 91, which the voters adopted in November 2014, directs the Oregon Liquor Control Commission to license the production, processing, wholesale, and retail sale of recreational marijuana;

WHEREAS, section 134(1) of HB 3400 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;

WHEREAS, section 134(4) of HB 3400 provides that the Oregon Health Authority will cease issuing licenses for medical marijuana facilities covered by this Ordinance;

WHEREAS, section 134(4) of HB 3400 provides that the Oregon Liquor Control Commission will not issue licenses for a premise that is regulated by this Ordinance;

WHEREAS, the city council wants to refer the question of whether to prohibit recreational marijuana producers, processors, wholesalers, and/or retailers, as well as medical marijuana processors and/or medical marijuana dispensaries to the voters of Coburg;

NOW THEREFORE, BASED ON THE FOREGOING, THE CITY OF COBURG ORDAINS AS FOLLOWS:

**Section 1. DEFINITIONS.** All definitions in this Ordinance shall be interpreted and applied in a manner consistent with the same terms used in HB 3400 (Chapter 614 Oregon Laws, 2015).

Marijuana means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

Marijuana processing site means an entity registered with the Oregon Health Authority to process marijuana.

Marijuana processor means an entity licensed by the Oregon Liquor Control Commission to process marijuana.

Marijuana producer means an entity licensed by the Oregon Liquor Control Commission to manufacture, plant, cultivate, grow or harvest marijuana.

Marijuana retailer means an entity licensed by the Oregon Liquor Control Commission to sell marijuana items to a consumer in this state.

Marijuana wholesaler means an entity licensed by the Oregon Liquor Control Commission to purchase items in this state for resale to a person other than a consumer.

Medical marijuana dispensary means an entity registered with the Oregon Health Authority to transfer marijuana.

## **Section 2. BAN DECLARED.**

As permitted in section 134 of House Bill 3400 (Chapter 614, Oregon Laws 2015), the City of Coburg hereby prohibits the establishment and operation of the following in the area subject to the jurisdiction of the city

- (a) Marijuana processing sites;
- (b) Medical marijuana dispensaries;
- (c) Marijuana producers;
- (d) Marijuana processors;
- (e) Marijuana wholesalers;
- (f) Marijuana retailers.

**Section 3. COMPLIANCE WITH LAWS.** No business shall be allowed to operate within the jurisdiction of the City of Coburg unless said business is apparently in compliance with all applicable state and federal laws. Any business operating in violation of this ordinance is declared to be a nuisance, and subject to all enforcement and abatement provisions of the law, including civil penalty.

**Section 4. REFERRAL.** This ordinance shall be referred to the electors of the City of Coburg at the next statewide general election on Tuesday, November 8, 2016. The City Administrator is directed to take all necessary steps

to accomplish the referral of this matter, including working with the City Attorney to prepare a resolution for the Council's consideration concerning the ballot title.

**Section 5. 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 shall be in full force and effect on passage.

**ADOPTED** by the **City Council** of the **City of Coburg** this 14th day of September, 2015, by a vote of 5 for and 1 against.

**APPROVED** by the Mayor of the City of Coburg this 14th day of September, 2015.

  
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Jae Pudewell, Mayor

ATTEST:

  
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Sammy L. Egbert, City Recorder