

ORDINANCE NO. 245

AN ORDINANCE OF THE CITY OF DUNES CITY DECLARING A BAN ON MEDICAL MARIJUANA PRODUCERS, MEDICAL MARIJUANA PROCESSING SITES, MEDICAL MARIJUANA DISPENSARIES, RECREATIONAL MARIJUANA PRODUCERS, RECREATIONAL MARIJUANA PROCESSORS, RECREATIONAL MARIJUANA WHOLESALERS, AND RECREATIONAL MARIJUANA RETAILERS; IDENTIFYING EXCEPTIONS TO THE BAN; REFERRING ORDINANCE; AND DECLARING AN EMERGENCY.

WHEREAS, ORS 475B.400 to 475B.525 provides that the Oregon Health Authority will register medical marijuana processing sites and medical marijuana dispensaries;

WHEREAS, ORS 475B.005 to 475B.399 directs the Oregon Liquor Control Commission to license the production, processing, wholesale, and retail sale of recreational marijuana;

WHEREAS, ORS 475B.800 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, the City Council of Dunes City desires 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 Dunes City;

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

Section 1: Title XI, entitled “Business Regulations” of the Dunes City Code of Ordinances is hereby amended by adding a new Chapter 111, entitled “Marijuana Business and Facilities Ban” to read as follows:

§ 111.001 DEFINITIONS

For the purposes of this Chapter 111, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

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.

§111.002 BAN DECLARED

As described in section ORS 475B.800, the City of Dunes City hereby prohibits the establishment and operation of the following in the area subject to the jurisdiction of the City:

- A. Marijuana processing sites licensed under ORS 475B.435;
- B. Medical marijuana dispensaries;
- C. Marijuana producers licensed under ORS 475B.450;
- D. Marijuana processors;
- E. Marijuana wholesalers;
- F. Marijuana retailers;
- G. Any combination of the entities described in this Section 110.002.

§111.003 EXCEPTION

The prohibition set out in this Chapter 110 does not apply to a marijuana processing site or medical marijuana dispensary that meets the conditions set out in ORS 475B.800(6) and (7). Further, the prohibitions set out in this Chapter 111 does not apply to any marijuana-related entity described in Section 111.002 that has, at the time of the adoption of this Chapter 111, obtained a Land Use Compatibility Statement pursuant to ORS 475B.063.

Section 2. REFERRAL

This Ordinance 245 shall be referred to the electors of the city of Dunes City at the next statewide general election on November 6, 2018.

Section 3. Severability

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is judicially declared to be invalid, unenforceable, and/or void by a court of competent jurisdiction, such decision shall not have the effect of invalidating or voiding the remainder of this Ordinance and the part(s) of this Ordinance so held to be invalid, unenforceable and/or void shall be deemed stricken, and the remainder of this Ordinance shall have the same force and effect as if such stricken part(s) had never been included.

Section 3. EMERGENCY. This Ordinance 245 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 immediately and without delay.

The first reading of this Ordinance was conducted in a regular/special meeting of the City Council of Dunes City, Oregon, on the 13th day of September, 2017.

The second reading of this Ordinance was conducted in a regular meeting and adopted by the City Council of Dunes City, Oregon on this 13th day of September, 2017.

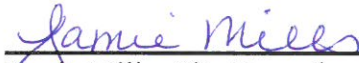
Ayes: 4 Nays: 1 Abstain: Absent: Vacant: 1

ADOPTED BY THE DUNES CITY COUNCIL THIS 13th DAY OF SEPTEMBER, 2017.



SHELDON MEYER, Council President

ATTEST:



Jamie Mills, City Recorder