

ORDINANCE NO. 740

AN ORDINANCE OF THE CITY OF WILSONVILLE DECLARING A MORATORIUM ON MEDICAL MARIJUANA FACILITIES, AND 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 Wilsonville to enact such a moratorium prohibiting the operation of a medical marijuana facility within the jurisdictional boundaries of the City of Wilsonville; and

WHEREAS, the City of Wilsonville, pursuant to Ordinance No. 734 already prohibits the issuance of a City of Wilsonville business license for any business that is, by its nature, illegal under state or federal law; and

WHEREAS, this moratorium is consistent with Ordinance No. 734, which remains in effect.

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

1. The City of Wilsonville hereby prohibits the operation of any medical marijuana facility in any area subject to the jurisdiction of the City of Wilsonville. 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.

2. The moratorium imposed by this Ordinance shall be effective until May 1, 2015, unless rescinded sooner.
3. The Clackamas County Sheriff's Department, pursuant to its law enforcement agreement with the City of Wilsonville, is charged with enforcement of the moratorium.
4. 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 Wilsonville to seek cumulative remedies for a violation of the moratorium imposed by this Ordinance.
5. 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 applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.
6. This Ordinance is necessary for the immediate preservation of the public peace, health, and safety; an emergency is therefore declared to exist, and this Ordinance takes effect immediately on its passage.

SUBMITTED to the Wilsonville City Council and read for the first time at a meeting thereof on the 7th day of April, 2014, and scheduled for second reading on April 21, 2014, commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 21st day of April, 2014, by the following votes:

Yes: -5-

No: -0-

Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this _____ day of April, 2014.

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

| | |
|-------------------------|-----|
| Mayor Knapp | Yes |
| Council President Starr | Yes |
| Councilor Goddard | Yes |
| Councilor Fitzgerald | Yes |
| Councilor Stevens | Yes |