CITY OF PHOENIX
PHOENIX, OREGON

ORDINANCE NO. 945

AN ORDINANCE PLACING A MORATORIUM ON MEDICAL MARIJIUANA FACILITIES WITHIN THE CITY LIMITS OF PHOENIX OREGON FOR 4 MONTHS

RECITALS:

WHEREAS, the State of Oregon has adopted statutes and promulgated administrative rules governing Medical Marijuana Facilities (MMF) in the State; and

WHEREAS, many of the same are pending but will go into effect soon; and

WHEREAS, the City has not had the opportunity to evaluate and adopt ordinances specifically responding to medical marijuana facilities; and

WHEREAS, reasonable ordinances regulating medical marijuana facilities are appropriate to protect the health, safety, land use planning, convenience, and general welfare of Phoenix citizens, and

WHEREAS, a significant period of time will be required for the City Manager and staff to clarify and apply new state law regarding medical marijuana facilities and to review, prepare and recommend to the City Council appropriate changes to the Phoenix Comprehensive Plan and the Phoenix Municipal Code; and

WHEREAS, the City recognizes that medical marijuana facilities may have a significant impact on the City, including, but not limited to city land use, public welfare, and traffic circulation; and

WHEREAS, enactment of an MMF moratorium for a reasonable period of time will assist the City Council and staff to regulate MMF businesses in a rational, lawful manner.

NOW, THEREFORE BE IT RESOLVED . . .

1) That the unregulated MMFs in the City warrants the placement of a moratorium because of the serious health and safety concerns presented by such unregulated MMFs;

2) That no MMFs, whether fixed or mobile, shall be established or operate within the City during this moratorium and that the City shall not issue a permit of any kind, including but not limited to a business license or building permit, to any person or entity seeking to establish an MMF. Notwithstanding, this ordinance shall in no way limit the right to possess, use or cultivate marijuana for medicinal purposes authorized by Oregon law.

3) That City Council and City Staff will take the following steps to find a solution to the MMFs issue:
    a. Review the City Business License

i. Contact other municipalities and see how they are handling their business licenses
ii. Develop Ordinance for City Council to review

b. Review Municipal Codes to see if they need to be modified to help ensure the health and safety of the citizens of Phoenix
c. Review current city zoning to insure long term viability of both potential business and community interests
d. Ensure City regulations are compliant with state and federal law and that they protect the safety and welfare of the citizens

4) That during this moratorium the City Manager, other City staff, City Attorney, and the Planning Commission, are hereby directed to analyze the issues pertaining to the operation of MMFs within the City and develops for City Council consideration of regulations, as they deem necessary and appropriate, to address the aforementioned issues.

5) That on or before the City Council meeting of June 23, 2014, the City Manager is directed to present for the City Council's formal consideration such laws and regulation relating to MMFs in the City as the City Manager considers necessary and appropriate for the reservation of the health, safety, and welfare of the citizens of the City.

Effective Date: This ordinance shall become effective within 30 days of full passage pursuant to ORS 221.310.

PASSED AND APPROVED by the City Council of the City of Phoenix and signed in authentication thereof at a regular meeting on the 3rd day of March 2014.

Jeff Bellah, Mayor

Steve Dahl City Manager/Recorder