CITY OF PHONEIX
PHOENIX, OREGON

ORDINANCE NO. 946

AN ORDINANCE OF THE CITY OF PHOENIX DECLARING A MORATORIUM ON MEDICAL MARIJUANA FACILITIES WITHIN THE CITY LIMITS

RECITALS:

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;

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;

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;

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 for the City of Phoenix believes it is in the best interests of the health, safety and welfare of the citizens of the City of Phoenix to enact such a moratorium prohibiting the operation of medical marijuana facilities within the jurisdictional boundaries of the City.

NOW, THEREFORE BE IT RESOLVED . . .

MORATORIUM DECLARED. The City hereby prohibits the operation of any medical marijuana facility in any area subject to the jurisdiction of the City of Phoenix. 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.

DURATION OF MORATORIUM. The moratorium imposed by this ordinance shall be effective upon the expiration of the existing temporary four month moratorium, and shall continue through May 1, 2015.

ENFORCEMENT. The Police Chief is charged with enforcement of the moratorium.

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 Phoenix to seek cumulative remedies for a violation of the moratorium imposed by this ordinance.

SEVERABILITY. 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.

PASSED AND ADOPTED by the City Council and signed by me in authentication of thereof on this 29th day of April, 2014.

Mayor

ATTEST:

City Manager