

ORDINANCE NO. 2016-08

ORDINANCE AMENDING FOREST GROVE CITY CODE CHAPTER 7 BY RENAMING CODE SECTIONS 7.850 THROUGH 7.865 FROM “MEDICAL MARIJUANA DISPENSARIES” TO “MARIJUANA ACTIVITIES”; AMENDING CODE SECTIONS 7.850 THROUGH 7.860 TO ADDRESS MARIJUANA FACILITIES; AND REPEALING PORTIONS OF ORDINANCE NO. 2015-03; FILE NO. 311-15-00028-PLNG

WHEREAS, the City Council on April 28, 2015, adopted Ordinance Numbers 2015-02 and 2015-03 amending the Development and City codes to establish regulations for the development and operation of Medical Marijuana Dispensaries;

WHEREAS, the Oregon Legislature enacted House Bill 3400 (ORS 475B 2015), which pertains to laws for regulation and control of marijuana related activities;

WHEREAS, House Bill 3400, authorizes local jurisdictions to adopt time, place and manner regulations for the operation of marijuana facilities;

WHEREAS, House Bill 3400 prohibits medical and commercial marijuana processors if processing marijuana extracts and marijuana dispensaries and commercial retail stores in exclusively zoned residential districts;

WHEREAS, staff has prepared a code analysis pertaining to the allowance by zone district, and development and operational requirements for all regulated marijuana activities regulated by the State;

WHEREAS, residential zone districts in Forest Grove may not be considered exclusively zoned residential districts because other uses such as neighborhood stores, parks and other non-residential uses are allowed in the various residential zone districts;

WHEREAS, the City Council during work sessions held on September 14 and November 9, 2015, expressed that marijuana facilities regulated by the State should not be banned in Forest Grove but should be properly placed including avoiding any facilities in residential areas;

WHEREAS, the City has prepared proposed amendments to the Development Code pertaining to the placement and requirements for marijuana activities; and

WHEREAS, the City Council held a duly-noticed Public Hearing on March 14 and continued the hearing on March 28, 2016, to consider the Planning Commission's recommendation.

NOW, THEREFORE, THE CITY OF FOREST GROVE ORDAINS AS FOLLOWS:

Section 1. Forest Grove City Council hereby amends Forest Grove City Code Chapter 7 by renaming Title of Code Sections 7.850 through 7.865, from “Medical Marijuana Dispensaries” to “Marijuana Activities” and amends Code Sections 7.850 through 7.860 as shown on Exhibit A.

Section 2. The applicable existing Code Sections in Ordinance No. 2015-03 are hereby repealed.

Section 3. This ordinance shall be effective 30 days following its enactment by the City Council.

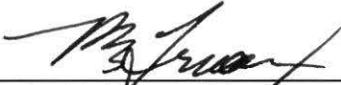
PRESENTED AND PASSED the first reading this 14th day of March, 2016.

PASSED the second reading this 28th day of March, 2016.



Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 28th day of March, 2016.



Peter B. Truax, Mayor

Exhibit A

Marijuana Activities

City Code Amendments as Adopted by City Council

File Number 311-15-000028 - PLNG

The following are proposed amendments to the Development Code pertaining to marijuana related activities:

Amend City Code provisions on marijuana activities to address all marijuana related activities

Amend City Code Sections 7.850, 7.855 and 7.860 to establish regulations for all marijuana related activities: ~~and prohibit the use of marijuana related products in a commercial establishment.~~

MEDICAL MARIJUANA DISPENSARIES ACTIVITIES

7.850 Statement of Purpose.

The purpose of sections Forest Grove Municipal Code Sections 7.850 to 7.865 is to promote the public health, safety and general welfare by establishing standards in the City of Forest Grove for the operation of ~~medical marijuana dispensaries~~ related activities as allowed by state law ~~in the City of Forest Grove.~~

7.855 Definitions.

~~Medical Marijuana Dispensary. A facility for selling marijuana and marijuana-related products to medical marijuana card holders and that is registered with the Oregon Health Authority under ORS 475.314.~~

Marijuana Related Activities. An activity involved with the growing, processing, wholesaling or selling of marijuana, cannabinoid product, cannabinoid concentrate, or cannabinoid extract regulated by Oregon Health Authority or the Oregon Liquor Control Commission.

7.860 License Requirements.

Underlined – Proposed additional text;

~~Strikeout~~ – Proposed text to be removed

- A. A ~~medical marijuana dispensary~~ related activity must comply with all applicable requirements of State law.
- B. A ~~medical marijuana dispensary~~ related activity must obtain a City Business License pursuant to Code Sections 7.000 to 7.070 prior to opening.
- C. A medical marijuana dispensary or marijuana retailer may not be open to the public between the hours of 10:00 p.m. and 8:00 a.m.
- D. All products and paraphernalia sold to the public or members of a club or organization must be enclosed in an opaque bag or container upon exiting ~~the a dispensary or retail~~ facility.
- E. A ~~medical marijuana dispensary~~ related activity must provide secure disposal for marijuana remnants or by-products, including any item with marijuana residue.
- ~~F. Commercial establishments are prohibited where a portion or all of the facility is intended for the on-site consumption of marijuana, cannabinoid concentrate or cannabinoid extract.~~

Underlined – Proposed additional text;
~~Strikeout~~ – Proposed text to be removed