

ORDINANCE NO. 2014-04

AN ORDINANCE OF THE CITY OF FOREST GROVE IMPOSING A MORATORIUM ON MEDICAL MARIJUANA FACILITIES WITHIN THE CORPORATE BOUNDARIES OF THE CITY; DECLARING AN EFFECTIVE DATE

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, Section 2 of House Bill 3460 (2013) that established the medical marijuana registration system has been codified as ORS 475.314;

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 for delivery, possession and production of marijuana, and that immunity provision was later codified as ORS 475.309 (1)(b);

WHEREAS, the Oregon Legislature enacted Senate Bill 1531 (2014) which affirmatively afforded Oregon cities the ability to impose a moratorium on medical marijuana dispensaries to locate within their boundaries until May 1, 2015;

WHEREAS, if a city or county enacts a medical marijuana facility moratorium within its jurisdiction pursuant to Senate Bill 1531 (2014), then notwithstanding ORS 475.309 (1)(b)'s immunity protections, persons who are responsible for or employed by medical marijuana facilities within the jurisdiction are subject to criminal prosecution for marijuana-related crimes;

WHEREAS, the issue of whether a local government determines 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, legal uncertainty surrounds the ability/authority of the State to allow for the location of medical marijuana dispensaries in Oregon cities where to do so arguably violates federal law;

WHEREAS, the Forest Grove City Council has determined that it is in the best interests of the health, safety and welfare of the citizens of Forest Grove to enact such a moratorium prohibiting the operation of a medical marijuana facilities within the jurisdictional boundaries of Forest Grove so as to provide time to examine the range of options surrounding the regulation or prohibition of medical marijuana facilities within Forest Grove;

WHEREAS, the City Council held a duly-noticed Public Hearing on the proposed ordinance on April 14 and continued the hearing on April 28, 2014.

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

Section 1. The City of Forest Grove (City) hereby issues a moratorium prohibiting the establishment and operation of any medical marijuana facility within the City's corporate limits as they now exist or may be expanded. As used in this section, "medical marijuana facility" includes any facility that dispenses marijuana pursuant ORS 475.314 or other provision(s) of Oregon law.

Section 2. The moratorium imposed hereby is effective from and after the enactment of this ordinance and continues until May 1, 2015, unless otherwise lawfully rescinded or extended.

Section 3. The Chief of Police is charged with enforcement of the moratorium with any violation being subject to the penalty imposed by Forest Grove City Code Section 1.095 as well as such other lawful remedies which the City may avail itself of, including but not limited to injunctive relief.

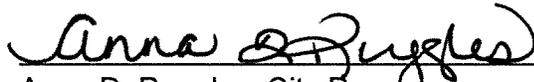
Section 4. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

Section 5. A copy of this Ordinance shall be forwarded to the Oregon Health Authority by regular mail and by any other such means as required by rule of the Oregon Health Authority.

Section 6: This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance is effective immediately upon its enactment by the City Council.

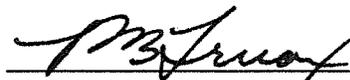
PRESENTED AND PASSED the first reading this 14th day of April, 2014.

PASSED the second reading the 28th day of April, 2014.



Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 28th day of April, 2014.



Peter B. Truax, Mayor