

**ORDINANCE NO. 2015-03**

**ORDINANCE AMENDING FOREST CITY CODE CHAPTER 7  
BY ADDING NEW CODE SECTION 7.850 THROUGH 7.865 ESTABLISHING  
OPERATION OF MEDICAL MARIJUANA DISPENSARIES**

**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**, the City Council adopted Ordinance Number 2014-04 on April 28, 2014, to establish a moratorium for marijuana dispensaries until May 1, 2015;

**WHEREAS**, the City has prepared proposed amendments to City Code pertaining to the placement and requirements for medical marijuana dispensaries; and

**WHEREAS**, the City Council held a duly-noticed Public Hearing on the proposed amendments on April 13 and continued the hearing on April 27, 2015.

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

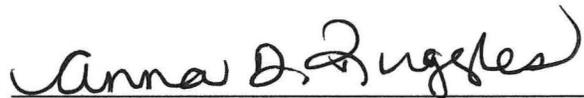
**Section 1.** Forest Grove City Council hereby adopts amendments to Forest Grove Code Chapter 7 by adding new Code Section 7.850 – 7.865, titled “Medical Marijuana Dispensaries”, and new Code Section 7.865, titled “Violations and Penalties”, as set forth in the attached Exhibit A.

**Section 2.** The City Council hereby finds that the proposed amendments are necessary to assure adequate public protection and are consistent with state requirements for the operation of liquor stores based on the hours opened to the public and requirement for the use of opaque bags, and requires facilities to be operated consistent with state requirements for medical marijuana dispensaries.

**Section 3.** This ordinance is effective 30 days following its enactment by the City Council.

**PRESENTED AND PASSED** the first reading this 13<sup>th</sup> day of April, 2015.

**PASSED** the second reading this 27<sup>th</sup> day of April, 2015.



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Anna D. Ruggles, City Recorder

**APPROVED** by the Mayor this 27<sup>th</sup> day of April, 2015.



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Peter B. Truax, Mayor

**ORDINANCE NO. 2015-03**  
**EXHIBIT A**

**FOREST GROVE CODE**

**AMENDING CHAPTER 7, BUSINESS**

**ADDING NEW CODE SECTION 7.850 – 7.865**

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**MEDICAL MARIJUANA DISPENSARIES**

**7.850**      **Statement of Purpose.**

The purpose of Code Section 7.850 to 7.865 is to promote the public health, safety and general welfare by establishing standards for the operation of medical marijuana dispensaries 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 which is registered with the Oregon Health Authority under ORS 475.314 (2013).

**7.860**      **License Requirements.**

- A. A medical marijuana dispensary must comply with all applicable requirements of State law.
- B. A medical marijuana dispensary must obtain a City Business License pursuant to Code Sections 7.000 to 7.070 prior to opening.
- C. A medical marijuana dispensary 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 must be enclosed in an opaque bag or container upon exiting the facility.
- E. A medical marijuana dispensary must provide secure disposal or render impotent marijuana remnants or by-products, including any item with marijuana residue.

**7.865**      **Violations and Penalties.**

- A. Notwithstanding the provisions of Code Section 7.070, a person who commits, permits, assists in or attempts a violation of any provision of Section 7.850 – 7.860 is subject to a civil penalty in the amount of not less than \$100 for the first violation, \$500 for the second violation, and \$1,000 for each subsequent violation within a two (2) year period starting from the issuance of the first notice of violation.
- B. Each day during which any provision of Code Section 7.850 – 7.860 is violated constitutes a separate offense.
- C. The Enforcement Officer may cite into Municipal Court for the violations.

Underline is new language.