

ORDINANCE NO. 720

AN ORDINANCE IMPOSING A MORATORIUM ON 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, 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 Athena City Council believes it is in the best interests of the health, safety and welfare of the citizens of the City of Athena to enact such a moratorium prohibiting the operation of medical marijuana facilities within the jurisdictional boundaries of the City of Athena;

NOW THEREFORE, BASED ON THE FOREGOING, THE CITY OF ATHENA
ORDAINS AS FOLLOWS:

SECTION 1. MORATORIUM DECLARED. The City of Athena hereby prohibits the operation of any medical marijuana facility within its jurisdiction. 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.

Section 2. DURATION OF MORATORIUM. The moratorium imposed by this ordinance shall be effective until May 1, 2015, unless rescinded sooner

Section 3. ENFORCEMENT. The City of Athena Police Officers are charged with enforcement of the moratorium.

Section 4. 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 Athena to seek cumulative remedies for a violation of the moratorium imposed by this ordinance.

Section 5. 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.

Section 6. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

PASSED by the City Council present and approved by the Mayor on April 10, 2014.

APPROVED: _____
John Shafer
Mayor

ATTEST: _____
Nancy Parker
City Recorder