

ORDINANCE NO. 4638

AN ORDINANCE DECLARING A MORATORIUM ON MEDICAL MARIJUANA FACILITIES AND DECLARING AN EMERGENCY

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; and

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; and

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; and

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 of Beaverton believes it is in the best interests of the health, safety and welfare of the citizens of Beaverton to enact such a moratorium prohibiting the operation of medical marijuana facilities within its jurisdictional boundaries to allow the City to take such action that is necessary to enable the City to exercise reasonable regulations on the operation of medical marijuana facilities; now, therefore

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

MORATORIUM DECLARED.

The City of Beaverton hereby declares a moratorium suspending the operation of any registered medical marijuana facility anywhere in the city limits. 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The moratorium imposed by this ordinance shall be effective until December 31, 2014, unless rescinded sooner.

EFFECT OF MORATORIUM ON ORDINANCE NO. 4636

For the duration of the moratorium imposed by this ordinance, no application for a medical marijuana facility license shall be accepted by the City pursuant to Ordinance No. 4636 and no such license shall be issued by the City.

REMEDIES NOT EXCLUSIVE.

Any penalty or remedy imposed pursuant to this ordinance or under Senate Bill 1531 (2014) is in addition to, and not in lieu of, any other civil, criminal or administrative penalty, sanction or remedy otherwise authorized by law.

SEVERABILITY.

The Council intends that the sections and subsections of this ordinance be severable. If any part of this ordinance is held unconstitutional or otherwise invalid, the remaining parts shall remain in force unless:

A. The remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional or invalid part that it is apparent that the remaining parts would not have been enacted without the unconstitutional or invalid part; or

B. The remaining parts, standing alone, are incomplete and incapable of being executed according to the legislative intent.

EMERGENCY; EFFECTIVE DATE.

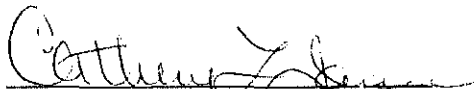
This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance takes effect on its passage.

First reading this 8th day of April, 2014.

Second reading and passage by the Council this 22nd day of April, 2014.

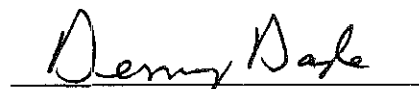
Approved by the Mayor this 23rd day of April, 2014.

ATTEST:



CATHERINE L. JANSEN, City Recorder

APPROVED:



DENNY DOYLE, Mayor

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