

**BEFORE THE CITY COUNCIL FOR THE  
CITY OF ADAIR VILLAGE, OREGON**

In the Matter of an Declaring a Moratorium        )  
On Medical Marijuana Facilities Within            )  
The City of Adair Village and                    )  
Declaring An Emergency                            )

**ORDINANCE NO. 2014 - 03**

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 Council of the City of Adair Village, Oregon, believes it is in the best interests of the health, safety, and welfare of the citizens of Adair Village to enact such a moratorium prohibiting the operation of medical marijuana facilities within the jurisdictional boundaries of the City of Adair Village; now therefore

THE CITY OF ADAIR VILLAGE CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Moratorium Declared. The City of Adair Village, Oregon, hereby prohibits the operation of any medical marijuana facility in any area subject to the jurisdiction of the City of Adair Village. 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 The Moratorium. The moratorium imposed by this ordinance shall be effective until May 1, 2015, unless rescinded sooner.

Section 3. Enforcement. The Benton County Sheriff's Office is charged with the 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 Adair Village to seek cumulative remedies for a violation of the moratorium imposed by this ordinance.

Section 5. Severability. Should any section or portion of this Ordinance be held unlawful or unenforceable by any court of competent jurisdiction, such decision shall apply only to the specific section, or portion thereof, directly specified in the decision. All other sections or portions of this Ordinance shall remain in full force and effect.

Section 6. Emergency Clause. The provisions of this ordinance are necessary for the immediate preservation of the peace, health and safety of the people of the City of Adair Village and it is in the best interests and welfare of the residents of the City of Adair Village to implement the amended Ordinance at once. Therefore an emergency is hereby declared to exist and this ordinance shall be in full force and effect upon its passage by the City Council and approval by the Mayor on the Effective Date.

Section 7. Effective Date. Passed by the City Council and approved by the Mayor of the City of Adair Village the 1<sup>st</sup> day of April, 2014 these amendments shall become effective upon signature by the Mayor.

City of Adair Village, Oregon, April 1, 2014

CITY OF ADAIR VILLAGE



MAYOR



CITY RECORDER

Approved as to Form:

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City Attorney

First Reading: April 1, 2014

Second Reading: By Title April 1, 2014

Ordinance 2014-03 Declaring a Moratorium on Medical Marijuana Facilities