

ORDINANCE NO. 1373-14

AN ORDINANCE RELATING TO MEDICAL MARIJUANA FACILITIES;
AMENDING ORDINANCE NO. 1368-14; AND DECLARING AN EMERGENCY

WHEREAS, during the 2013 Special Session, the Oregon Legislature enacted HB 3460, which allows for the establishment and licensing of medical marijuana facilities; and

WHEREAS, on or about February 24, 2014, the Tualatin City Council enacted Ordinance No. 1368-14 (Tualatin Municipal Code Chapter 9-08) to prohibit medical marijuana facilities from operating within the City of Tualatin until such time as the City Council can review and enact adequate zoning regulations; and

WHEREAS, Ordinance No. 1368-14 provides that the prohibition on medical marijuana facilities is to end on December 31, 2014;

WHEREAS, after the City Council adopted Ordinance No. 1368-14, the Oregon Legislature enacted SB 1531 (2014) which permits cities and counties to enact a moratorium on medical marijuana facilities within their jurisdiction, provided the moratorium ends on May 1, 2015 and provides that 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 prohibits the operation of a medical marijuana facility is not immune from state law prosecution during the moratorium period; and

WHEREAS, pursuant to Article XI, section 2 of the Oregon Constitution, the City of Tualatin has "home rule" authority over the civil affairs of its City; and

WHEREAS, the City Council believes that the operation of medical marijuana facilities without proper zoning regulations endangers the health, safety, and welfare of its citizens;

NOW THEREFORE, THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. Section 4 of Ordinance No. 1368-14 is amended as follows:

Ordinance Automatically Expires. This ordinance automatically expires and is to be deemed repealed at 11:59:59 p.m. on ~~December 31, 2014~~ May 1, 2015, unless sooner repealed or extended by City Council ordinance.

Section 2. Except to the extent modified by this Ordinance, Ordinance No. 1368-14 remains in full force and effect.

Section 3. Severability. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent

jurisdiction, the remainder of this ordinance shall remain in full force and effect.

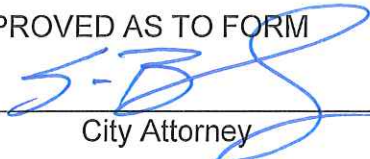
Section 4. Emergency. This ordinance is necessary for the immediate protection of the public peace, health, safety and welfare and shall take effect immediately upon adoption.

Adopted by the City Council this 28 Day of April, 2014.

CITY OF TUALATIN, OREGON

BY 
Mayor

APPROVED AS TO FORM

BY 
City Attorney

ATTEST:

BY 
City Recorder