

ORDINANCE NO. 6324 (EMERGENCY)

AN ORDINANCE AMENDING THE SPRINGFIELD MUNICIPAL CODE CHAPTER 7 REGARDING MEDICAL MARIJUANA DISPENSARIES, AND DECLARING AN EMERGENCY

The City Council of the City of Springfield finds that:

WHEREAS, the 2013 Oregon Legislature enacted House Bill 3460 (2013) which creates a registration system for 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 Oregon Legislature enacted Senate Bill 1531 (2014) which grants a city the authority to adopt ordinances that impose reasonable regulations on the operation of medical marijuana facilities registered under ORS 475.314 that are located in the city's jurisdiction; and

WHEREAS, this is a new industry and the City seeks to develop regulations that protect public health and safety; and

WHEREAS, the City of Springfield wishes to develop reasonable regulations for this industry; and

WHEREAS, the City of Springfield believes it is in the best interest of the health, safety and welfare of the citizens of the city to adopt and include such regulations in the Municipal Code.

NOW THEREFORE, based on the forgoing recitals, the Common Council of the City of Springfield does ordain as follows:

Section 1. Chapter 7 BUSINESS of the Springfield Municipal Code is hereby amended to include Sections 7.600 through 7.603 dealing with medical marijuana dispensaries as more particularly described and set forth in Attachment 1 attached hereto and incorporated herein by reference.

Section 2. Except as specifically amended herein, Chapter 7 shall continue in full force and effect.

Section 3. Section 7.602 provides for a business license with fee to be set by Council resolution.

Section 4. Effective Date of Ordinance. It is hereby found and determined that the matters relating to the adoption of this medical marijuana dispensary program are

matters affecting the public health, safety and welfare and that an emergency therefore exists, and this Ordinance shall therefore take effect immediately upon its passage by the Council and approval by the Mayor.

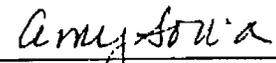
ADOPTED by the Common Council of the City of Springfield this 21 day of July, 2014, by a vote of 5 for and 0 against.

APPROVED by the Mayor of the City of Springfield this 21st day of July, 2014.

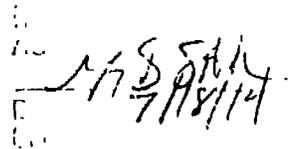


Mayor

ATTEST:



City Recorder



ATTACHMENT 1

7.600 Statement of Purpose.

To protect the public health and safety from unlawful use and sale of marijuana. All medical marijuana dispensaries shall be registered in accordance with ORS Chapter 475 and the applicable Oregon Administrative Regulations (OAR). Registration by the Oregon Health Authority is not a guarantee that a dispensary is permitted to operate under applicable local municipal regulations. All dispensaries shall comply with the regulations set forth in the Springfield Municipal Code and the Springfield Development Code.

These regulations set forth by the Springfield Municipal Code provide reasonable regulations that supplement the Oregon Health Authority's Medical Marijuana Program. These regulations are intended to address solely the issue of selling or dispensing medical marijuana. These regulations do not address and shall not be applied to any recreational or other use of marijuana that does not relate to the authorized use under Oregon's existing Medical Marijuana Act.

7.601 Definitions.

The following words and phrases as used in sections 7.600 to 7.603 mean:

Marijuana. As defined under ORS 475.005.

Dispensary. A medical marijuana facility registered by the Oregon Health Authority under ORS 475.314.

Cardholders. Persons authorized under Oregon's Medical Marijuana Program to buy and transfer medical marijuana. This includes patients, designated primary caregivers, person responsible for a medical marijuana facility, and person responsible for a medical marijuana grow site.

License. A license issued pursuant to Springfield Municipal Code Sections 7.000 to 7.006.

7.602 License Required.

(1) No person shall establish, maintain or operate a dispensary within the city unless a license for that use is obtained from the city. Every place or building where a dispensary is carried on, whether for profit or not, shall be deemed a dispensary subject to the provisions of sections 7.600 to 7.603. Each licensee shall meet the requirements set forth in sections 7.000 to 7.006.

(2) No license will be issued without proof of registration to operate a dispensary issued by the State of Oregon.

(3) The City may deny a license if any owner, manager, operator, employee, agent, or volunteer:

- a. Has been convicted for the manufacture or delivery of a controlled substance in Schedule I or Schedule II within five years from the date the application for a license was received by the City; or
- b. Has been Convicted more than once for the manufacture or delivery of a controlled substance in Schedule I or Schedule II; or
- c. Is prohibited by a court from participating in the Oregon Medical Marijuana Program (OMMP).

(4) Application for a license must include the information necessary for background checks of a criminal record of the any owner, manager, operator, employee, agent, or volunteer. The City of Springfield will conduct all necessary background checks.

(5) No license shall be issued until after a background check of the criminal record by the police department of the applicant and all individuals employed or volunteering with the dispensary.

(6) Once the dispensary is licensed, the licensee must notify the city and submit necessary information for background checks of a criminal record of any new owner, manager, operator, employee, agent, or volunteer.

(7) Each licensee shall be required to pay the applicable license fee as set by Resolution of the Common Council.

(8) The requirements of sections 7.600 to 7.603 shall apply to the owners, managers, operators, employees, agents, and volunteers of the licensee's business.

(9) The Licenses authorized by the city shall be displayed in the window such that it is clearly visible from the nearest public right-of-way. The sign shall be no less than 8 inches by 11 inches in size.

7.603 Operational Requirements.

(1) Dispensaries must be located in accordance with ORS 475.314 and the Springfield Development Code.

(2) Only cardholders shall be permitted on the premises of a dispensary.

a. No minors shall be permitted on the premises.

(3) Labeling.

a. Prior to transferring usable marijuana, a label shall be affixed to the usable marijuana that includes but is not limited to:

i. The amount of THC and CBD in the usable marijuana;

ii. If pre-packaged, the weight or volume of the packaged usable marijuana in metric units;

iii. The amount of usable marijuana in a finished product in metric units;

iv. Potency information; and

v. Who performed the testing.

b. If the registered facility transfers usable marijuana in a form that is edible, a warning label shall be affixed on the outside of the packaging that includes the following: "WARNING: MEDICINAL PRODUCT — KEEP OUT OF REACH OF CHILDREN" in bold capital letters, in a font size that is larger than the type-size of the other printing on the label such that it is easy to read and prominently displayed on the product.

(4) Sign Code. All dispensaries shall be subject to the requirements of Sections 8.200 through 8.268, the Springfield Sign Code.

(5) Hours of Operation. No sale or other distribution of marijuana shall occur upon the premises or via delivery between 10:00 pm and 7:00 am.

(6) Giveaways. Dispensaries shall not distribute to consumers marijuana or marijuana-infused products free of charge.

(7) Consumption on Premises Prohibited. Consumption, ingestion, inhalation, or topical application of usable marijuana anywhere on the premises of the dispensary shall be prohibited; except as allowed under OAR 333-008-1200.