

ORDINANCE NO. 6349 (EMERGENCY)

AN ORDINANCE AMENDING THE SPRINGFIELD MUNICIPAL CODE SECTION 7.601, DEFINITIONS, AND 7.603, OPERATIONAL REQUIREMENTS, 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, the Oregon Legislature enacted Senate Bill 3400 (2015) which changes the Oregon Legislature's definition of marijuana by recognizing that the plant Cannabis is member of the family Cannabaceae and not a member of the family Moraceae and the City of Springfield seeks to likewise update its definition of marijuana;

WHEREAS, these regulations are adopted through the City of Springfield's broad home rule authority under the Chapter II of Springfield City Charter which provides the following:

Section 4. Powers of the City. The City has all powers that the constitutions, statutes and common law of the United States and of the State of Oregon now or hereafter expressly or impliedly granted or allowed the City, as fully as though this Charter specifically enumerated each of those powers.

Section 5. Construction of Powers. In this Charter no specification of power is exclusive or restricts authority that the City would have if the power were not specified. The Charter shall be liberally construed, so that the City may exercise as fully as possible all powers possible for it under this Charter and under United States and Oregon law. A power of the City continues unless the grant of the power clearly indicates the contrary.

WHEREAS, medical marijuana facilities are 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; and

WHEREAS, the City of Springfield has received feedback from patients and stakeholders in the medical marijuana community having a local Code prohibiting minors on the premises is a hardship for patients; and

WHEREAS, the Oregon Health Authority through its enforcement mechanisms monitors and enforcement mechanisms monitors and enforces labeling requirements of medical marijuana; and

WHEREAS, the City of Springfield has determined that the enforcement on the state level is consistent with City policy and other enforcement actions by the City. NOW THEREFORE, based on the forgoing recitals, the Common Council of the City of Springfield does ordain as follows:

Section 1. Section 7.601 is amended to read:

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

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.

Dispensary. A medical marijuana facility registered by the Oregon Health Authority under ORS 475B.450.

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

Marijuana. The plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. ‘Marijuana’ does not include industrial hemp, as defined in ORS 571.300.”

Section 2. Section 7.603, Operational Requirements, of the Springfield Municipal Code is hereby amended to remove subsections (2) and (3) and renumber subsections (4) to (7) accordingly.

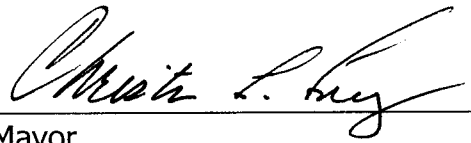
Section 3. Except as specifically amended herein, Chapter 7 shall continue in full force and effect.

Section 4. Severability Clause. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and individual provision and such holding shall not affect the validity of the remaining portion hereof.

Section 5. 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.

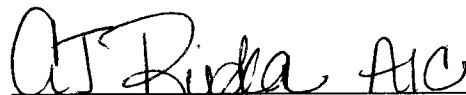
ADOPTED by the Common Council of the City of Springfield this 21 day of MARCH, 2016, by a vote of 5 for and 0 against.
(1 ABS - Wylie)

APPROVED by the Mayor of the City of Springfield this 21 day of MARCH, 2016.

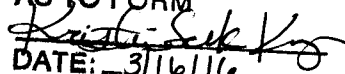


Mayor

ATTEST:



City Recorder

REVIEWED & APPROVED
AS TO FORM

DATE: 3/16/16
OFFICE OF CITY ATTORNEY