

## ORDINANCE NO. 244

### AN ORDINANCE OF THE CITY OF DETROIT, OREGON IMPOSING LICENSING REQUIREMENTS ON THE ESTABLISHMENT OF MARIJUANA FACILITIES WITHIN THE CITY AND DECLARING AN EMERGENCY.

**WHEREAS**, House Bill 3460 (2013) requires medical marijuana dispensaries to register with the Oregon Health Authority and establishes rules for the State of Oregon's regulation of medical marijuana dispensaries.

**WHEREAS**, Senate Bill 1531 (2014) placed additional restrictions on medical marijuana dispensaries and expressly permitted cities to impose a temporary moratorium on the operation of registered medical marijuana facilities within city limits.

**WHEREAS**, Ballot Measure 91, which Oregon voters approved in November 2014, permits the manufacturing, distribution, sale, possession and use of recreational marijuana in Oregon.

**WHEREAS**, House Bill 3400 (2015) expressly permits local jurisdictions to adopt reasonable regulations on all marijuana facilities, including medical marijuana grow sites.

**WHEREAS**, the city finds the public health, safety and general welfare of the city, its residents and its visitors necessitates the implementation of licensing and reasonable time, place, and manner regulations on the establishment of marijuana-related facilities within the city limits, and for it to take effect immediately upon its adoption.

#### **NOW, THEREFORE, THE CITY OF DETROIT ORDAINS AS FOLLOWS:**

**Section 1.** Definitions. For the purposes of this Ordinance and in accordance with HB 3400, the following terms are defined:

Marijuana Processer: Facility for processing, compounding, or converting marijuana into products, concentrates, or extracts that is registered by the Oregon Health Authority or licensed by the Oregon Liquor Control Commission.

Marijuana Producer: Facility for planting, cultivating, growing, trimming, harvesting, or drying of marijuana provided that the marijuana producer is registered by the Oregon Health Authority to produce marijuana for use by a registry identification cardholder or licensed by the Oregon Liquor Control Commission.

Marijuana-Related Facility: Marijuana Processer, Marijuana Producer, Marijuana Retailer, Marijuana Testing Laboratory, and Marijuana Wholesaler.

Marijuana Testing Laboratory: Facility for testing of marijuana items that is licensed by the Oregon Liquor Control Commission.

Marijuana Retailer: Facility for sale of marijuana items to a consumer that is licensed by the Oregon Liquor Control Commission. Also, location of a medical marijuana dispensary that is registered by the Oregon Health Authority.

Marijuana Wholesaler: Facility for resale of marijuana items to a person other than a consumer that is licensed by the Oregon Liquor Control Commission.

**Section 2.** Business License Required. No person shall establish, maintain, or operate a marijuana-related facility within the City of Detroit unless a business license is obtained pursuant to Ordinance 215.

**Section 3.** Term/Transferability. Licenses under this Ordinance are valid for one year, and may not be transferred or assigned to any other person or entity. Licenses expire one year after the date of issuance unless validly renewed.

**Section 4.** Development and Zoning. No business license for a marijuana-related facility shall be issued until compliance with the Detroit Development Code has been determined, any required land use permits have been secured, and all appeal periods have expired.

**Section 5.** Location and Hours of Operation.

1. A marijuana-related facility shall be located entirely in a permanent building and shall not include drive-through facilities. Outdoor storage of marijuana or marijuana-derived products is prohibited.
2. No marijuana-related facility shall be located within 500 feet of another marijuana facility or within 100 feet from an established dwelling. Distances shall be calculated from the closest point with respect to property lines.
3. The following additional standards shall apply to Marijuana Retailers:
  - A. Detroit Avenue N Frontage. Marijuana retailers shall be located on property with frontage along that portion of Detroit Avenue N between D Street and Forest Avenue.
  - B. Hours of Operation. Marijuana retailers shall operate only between the hours of 10:00am and 8:00pm.

**Section 6.** Public Access Prohibited. Access to a marijuana producer, marijuana processor, marijuana testing laboratory, and marijuana wholesaler facilities shall be limited to employees, personnel, and guests over the age of 21, authorized by the facility operator.

**Section 7.** A marijuana-related facility shall at all times be registered in good standing with the Oregon Health Authority or licensed in good standing with the Oregon Liquor Control Commission.

**Section 8.** In accordance with HB 3400, staff is directed to provide a copy of this ordinance to the Oregon Health Authority and to the Oregon Liquor Control Commission in a form and manner that those entities may require.

**Section 9.** Exemptions. The cultivation of marijuana for personal use, as permitted by State law, is exempt from the provisions of this Ordinance.

**Section 10.** EMERGENCY CLAUSE. This ordinance being necessary for the immediate preservation of public peace, health, and safety shall take effect immediately upon its passage by the Council.

Passed by the Common Council of the City of Detroit, Oregon, this \_\_\_\_ day of \_\_\_\_\_, 2016

**AYES:** \_\_\_\_\_ **NAYES:** \_\_\_\_\_ **ABSENT:** \_\_\_\_\_

**CITY OF CITY OF DETROIT, OREGON**

**By:** \_\_\_\_\_  
**Mark Messmer, Council President Pro-Tem**

**ATTEST:**

**By:** \_\_\_\_\_  
**Christine Pavoni, City Recorder**

**APPROVED BY CITY ATTORNEY:**

**By:** \_\_\_\_\_  
**Wallace Lien**

EMERGENCY CLAUSE: This ordinance shall take effect immediately upon its passage by the Council.