

**CITY OF FLORENCE
ORDINANCE NO. 2, SERIES 2015**

An Ordinance of the City of Florence, Lane County, Oregon Amending Florence City Code Title 3, Chapter 1, Implementing business license regulations for medical marijuana facilities; and declaring an emergency.

RECITALS:

1. The Oregon Legislature passed HB 3460 during the 2013 Special Session which allows for the operation and registration of medical marijuana facilities within certain parameters.
2. The Oregon Health Authority has adopted administrated rules governing certain operational aspects of medical marijuana facilities.
3. Through Ordinance No. 2, Series 2014, the City of Florence City Council enacted a temporary moratorium on the operation of medical marijuana facilities within the City. This moratorium expires March 17, 2015.
4. After the moratorium expires on March 17, 2015, state law will allow medical marijuana facilities to locate within the City, subject to ORS 475.314 and the rules of the Oregon Health Authority
5. Section 2 of Senate Bill 1531 (2014) authorizes local jurisdictions to adopt “reasonable regulations on the operations of medical marijuana facilities”
6. Pursuant to Article XI, Section 2 of the Oregon Constitution, the City of Florence has home rule authority over the affairs of the City.
7. The City of Florence desires to only allow medical marijuana facilities to operate within the City if the facilities are regulated so as to protect public health, safety and welfare.
8. The City Council has determined that the unique characteristics of medical marijuana facilities make it necessary to establish particular time, place and manner regulations on the operation of medical marijuana facilities.

Based on these findings,

THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

1. The Florence City Code Chapter 1 of Title 3: Business Licenses, is amended as shown in Exhibit A.

2. The Council declares an emergency and as such this ordinance shall take effect at a date earlier than the thirtieth day after its enactment as set out in the Florence City Charter Section 31. This ordinance shall become effective at the expiration of Ordinance No. 2, Series 2014 enacting a moratorium on the operation of medical marijuana facilities within the City. (March 17, 2015)

3. If any section or provision of this ordinance shall for any reason, declared to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the ordinance as a whole or any section, provision, or remaining portion of the ordinance.

ADOPTION:

First Reading on the 17th day of February, 2015.

Second Reading on the 17th day of February, 2015

This Ordinance is passed and adopted on the 17th day of February, 2015.

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| AYES | 5 | Councilors Greene, Preisler, Lyddon, Lacer and Mayor Xavier |
| NAYS | 0 | |
| ABSTAIN | 0 | |
| ABSENT | 0 | |



Joe Henry, Mayor

Attest:



Kelli Weese, City Recorder

Exhibit A
ORDINANCE NO. 2, SERIES 2015

[Change Directions are shown in Bold within Brackets]

TITLE 3
CHAPTER 1

BUSINESS LICENSES

3-1-2: DEFINITIONS: For the purpose of this Chapter, certain words, terms and phrases are defined as follows:

[Amend section 3-1-2 to insert the following definition in alphabetical order]

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| MEDICAL MARIJUANA FACILITY | A medical marijuana dispensary business required to register with Oregon Health Authority under ORS 475.314. |
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[Amend Section 3-1-8 to add additional subsection 9 as follows]

3-1-8-9: CLASSIFICATION 9: Medical Marijuana Facilities

- A. Specific Requirements. In addition to the requirements under ORS 475.314 and Oregon Health Authority rules, Medical Marijuana Facilities shall comply with the following business license requirements.
1. Compliance with state laws. Facilities shall comply with all applicable state laws and state administrative rules.
 2. Compliance with City land use requirements. Facilities shall comply with all applicable land use requirements per FCC Title 10.
 3. Hours of operation. A facility shall not be open for business between 7:00 p.m. and 10:00 a.m. the following day.
 4. Dispensing indoors. A facility shall only dispense marijuana within a building, fully enclosed structure or other approved facility.
 5. Criminal background checks. All employees, owners, and volunteers who handle useable marijuana within a facility must undergo a criminal background check conducted by the City. The background checks must be requested before the employee, owner, or volunteer handles useable marijuana. The criminal background check will be conducted as follows:
 - a. A criminal background check request must be submitted annually for each person. All permit shall expire on December 31st of the year issued.
 - b. The request shall contain the person's full name, any aliases, date of birth, driver's license information, and residency address information for the past five years.
 - c. The City will conduct the criminal background check to determine if the person has been convicted of the manufacture or delivery of a Schedule I or Schedule II controlled substance, as defined under state or federal law.

- d. A conviction for the manufacture or delivery of a Schedule I or Schedule II controlled substance, as defined under state or federal law, within the last five years shall disqualify the person from handling useable marijuana at a Medical Marijuana Facility.
 - e. The fee for completion of a criminal background check for each person proposed to handle useable marijuana within a facility shall pay a fee for such review on an annual basis to be set by Council resolution.
 - 6. On-site production. No facility shall manufacture or produce on-site any extracts, oils, resin or similar marijuana derivatives.
 - 7. Free products or samples. Facilities shall not offer or provide free marijuana or marijuana-infused products.
 - 8. Permanent Nature & Specified Use. All medical marijuana facilities shall be permanent in nature. The facility must be located in a permanent building and may not locate in a trailer, cargo container, or motor vehicle. The facility may not be located in a home, residential unit, or be occupied by any other use aside from medical marijuana facility. Such business application shall not be allowed to apply for temporary status. Medical Marijuana Facilities shall not qualify for “transient merchant”, “vendor”, “master vendor” or “home occupation” status.
- B. The applicants for businesses under classification 9 shall submit the following information in addition the information required per FCC 3-1-5.
 - 1. A complete list of all employees, owners, and volunteers who handle useable marijuana within a facility including the following information...
 - a. Full name and any aliases
 - b. Date of birth
 - c. Driver’s license information
 - d. Residency information for the past five (5) years
 - 2. The specific hours of operation for the conduct of such business.
 - 3. Written consent of the owners and persons in possession of the property where such business is located.
- C. Specific Enforcement Provisions. The following enforcement provisions are applicable to Medical Marijuana Facilities, in addition to but not in place of any enforcement provisions set out elsewhere in this Chapter.
 - 1. Compliance inspections. The City may conduct inspections of a facility, including facility records and video surveillance, to determine compliance with this Chapter. Facility owners, employees, and volunteers shall comply with all reasonable requests for information as part of the City’s compliance inspection. City inspectors may seek an administrative search warrant if a facility refuses to cooperate with an inspection.
 - 2. Impact on Criminal Law. Nothing in this Chapter shall be construed as decriminalizing or making lawful in the City any Medical Marijuana Facility or other business involved in the acquisition, possession, manufacture, production, use, sale, distribution, or transportation of marijuana or related paraphernalia that is not lawful under state law.