

ORDINANCE NO. 2019

AN ORDINANCE AMENDING TITLE 5 OF THE CENTRAL POINT MUNICIPAL CODE, BY ADDING CHAPTER 5.41 RECREATIONAL MARIJUANA RETAILERS AND DECLARING AN EMERGENCY

Recitals:

- A. The entire section of 5.41 shall be added.
- B. in November 2014, Oregon voters approved Measure 91 (M. 91) legalizing personal possession, growth, processing, delivery and sale of nonmedical marijuana; and
- C. the issue of whether a local government believes a certain type of business should operate within its jurisdictional limits is a local government decision, the enforcement of which is subject to the general and police powers of that jurisdiction;
- D. the City finds that retail sales of recreational marijuana may result in adverse social and economic impacts to the City including increased crime, and physical deterioration in the general areas of such businesses;
- E. the City of Central Point is a home-rule Municipal corporation; and
- F. Section 4 of the Central Point Charter provides: "The City shall have all powers which the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities, as fully as though this charter specifically enumerated each of those powers.";
- G. the City Council believes it is in the best interests for the health, safety and welfare of the citizens of Central Point to enact a time place manner ordinance regulating recreational marijuana retail businesses within the jurisdictional boundaries of the City of Central Point;

THE PEOPLE OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

SECTION 1. Title 5 BUSINESS LICENSEES AND REGULATIONS of the Central Point Municipal Code is hereby amended to include a new Chapter 5.41, regulating recreational marijuana retailers.

CHAPTER 5.41
RECREATIONAL MARIJUANA RETAILERS

Sections:

5.41.010 Purpose.

5.41.020 Definitions.

5.41.030 Regulations for recreational marijuana retailers.

5.41.040 License--Registration--Required.

5.41.050 License--Period.

5.41.060 License--Fees.

5.41.010 Purpose.

It is recognized that the presence of recreational marijuana retailers within the community of Central Point may result in adverse social and economic impacts, increased crime incidents, and physical deterioration in the general areas of such businesses. It is evident that regulations applicable to such recreational marijuana retailers are necessary to protect minors and to preserve the character, safety and stability of residential areas that are in proximity to such commercial businesses. The purpose of this section is to establish regulations applicable to recreational marijuana retailers, as defined in the Oregon Revised Statutes, Oregon Administrative Rules and in Section 5.41.020.

5.41.020 Definitions.

For purposes of this chapter, the following terms and business types are defined in this section:

“Cultivation” means a location where marijuana is grown, produced, cultivated or harvested for use by a licensed recreational marijuana retailer.

“Marijuana” means all parts of the plant Cannabis family Moraceae, including, but not limited to, its dried leaves and flowers, any marijuana products and extracts derived therefrom.

"Marijuana products" means products that contain marijuana or marijuana extracts and are intended for human consumption.

“Processing marijuana” means processing, compounding, or converting marijuana into marijuana products or marijuana; processing, compounding, or converting marijuana extracts either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis; the packaging or repackaging of marijuana items; the labeling or relabeling of any package or container of marijuana item; or the drying of marijuana for retail sales.

“Recreational Marijuana Retailer” means a recreational marijuana retailer licensed by the Oregon Liquor Control Commission “OLCC” under Measure 91 to sell recreational marijuana.

5.41.030 Regulations for recreational marijuana retailer.

A. Recreational marijuana retailers may be granted a conditional use permit by the planning commission in accordance with the requirements of the zoning district in which the retailer is proposed, and in accordance with the following regulations:

1. Evidence that the retailer is currently licensed by the OLCC under the state of Oregon’s recreational marijuana licensing program;

Ordinance No. 2019 (12/10/15)

2. The proposed use complies with all requirements set forth for the issuance of a conditional use permit (Chapter 17.76);
3. The lot on which the retailer is proposed to be located is classified commercial and includes the following designations: C-2(M) commercial medical district, C-4 tourist and office commercial district, and C-5 thoroughfare commercial district;
4. The retailer shall be located in a permanent building and may not locate in a trailer, cargo container or motor vehicle;
5. The subject lot is not within five hundred feet of the nearest residential (R) zoning district;
6. The lot is not within one thousand feet of any lot upon which there is located an educational institution primarily attended by minors, a public park or recreational facility, a day nursery or child care center, or any other public facility which is customarily utilized by minors;
7. The lot is not within one thousand feet of any lot upon which there is located another recreational marijuana retailer or medical marijuana dispensary business;
8. The exterior appearance of the structure shall be consistent with the appearance of existing commercial structures on abutting lots or within the immediate neighborhood, so as not to cause blight, deterioration, or avoidable depreciation in property values within the general vicinity;
9. The retailer shall be permitted an identification sign but shall not exhibit advertisements, displays, or any other promotional or advertising materials that may be visible to the public outside the structure;
10. All doorways, windows and other openings shall be located, covered or screened in such a manner to prevent a view into the interior from any exterior public or semipublic area;
11. No recreational marijuana retailer, as defined in this chapter, shall have operating hours earlier than eight a.m. or later than six p.m. of the same day and only Monday through Saturday, except as specifically permitted by the terms of the conditional use permit;
12. Cultivation or processing of recreational marijuana at the site of the retailer is prohibited;
13. The retailer shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the facility's exterior refuse containers;
14. Drive-through services are prohibited.

B. The planning commission may, at its discretion, conduct a poll or survey of residents and property owners in the vicinity of a proposed recreational marijuana retailer if such poll or survey is determined to be necessary to adequately assess the social, economic or other impacts of the proposed business.

C. Applicants for licenses under this chapter must file with the city recorder a sworn application in writing for the license which shall give the following information:

1. The name of the applicant;
2. Permanent home address and full local address of the applicant;
3. A brief description of the nature of the business and goods to be sold, if any;
4. Length of time for which the right to do business is desired;
5. The location of the proposed recreational marijuana retailer.

D. Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine as defined by Section 1.16.010.

5.41.040 License--Registration--Required.

No person, or his employee or agent, shall engage in or conduct within the city any recreational marijuana retailer business unless the license fee has been paid and a license issued as provided herein. No person, his employee or agent shall engage in or conduct within the city any recreational marijuana retailer business unless the person possesses a current license from the OLCC under the state's recreational marijuana licensing system. The city shall not issue a business license to any recreational marijuana retailer while a moratorium is in effect prohibiting the operation of such business

5.41.050 License--Period.

License for recreational marijuana retailers shall be for annual periods commencing on July 1st of each year. License renewals shall be consistent with criteria established in Section 5.04.092.

5.40.060 License--Fees.

The license fee to be charged by the city designee for a recreational marijuana retailer business license shall be as set forth in the city of Central Point business license fee schedule as set in Section 5.04.120.

SECTION 2. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word Ordinance may be changed to "code", "article", "section", "chapter", or other word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions need not be codified and the City Recorder is authorized to correct any cross references and any typographical errors.

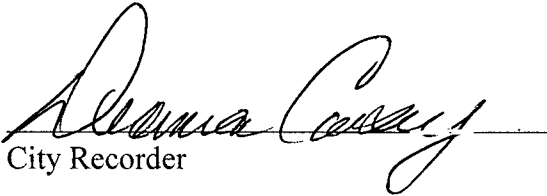
SECTION 3. Declaration of Emergency: It is in the best interest of the citizens of Central Point to have regulations in place when the State of Oregon begins issuing Recreational Marijuana Retail licenses. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

PASSED by the Council and signed by me in authentication of its passage this 10th day of December 2015.



Mayor Hank Williams

ATTEST:



City Recorder