



## ORDINANCE No. 2015-2787

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**AN ORDINANCE OF THE CITY OF NEWBERG DECLARING A BAN ON  
THE EARLY SALE OF RECREATIONAL MARIJUANA BY MEDICAL  
MARIJUANA DISPENSARIES, AND DECLARING AN EMERGENCY**

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### RECITALS:

1. **WHEREAS**, the Oregon Medical Marijuana Act created a system for the transfer of medical marijuana between growers and patients and caregivers through medical marijuana dispensaries;
2. **WHEREAS**, the voters adopted Measure 91 in November 2014, which provides criminal immunity for people aged 21 or older who possess certain amounts of marijuana and directs the Oregon Liquor Control Commission to license the retail sale of marijuana;
3. **WHEREAS**, the Oregon Liquor Control Commission has not yet licensed the retail sale of recreational marijuana;
4. **WHEREAS**, the Legislature enacted Senate Bill 460 (2015) to allow medical marijuana dispensaries to sell limited marijuana retail product starting October 1, 2015;
5. **WHEREAS**, Senate Bill 460 (2015) provides that a city may adopt ordinances prohibiting the sale of limited marijuana retail product from medical marijuana dispensaries;
6. **WHEREAS**, the City Council wants to prohibit the sale of marijuana retail products from medical marijuana dispensaries in the city to protect and benefit the public health, safety and welfare of existing and future residents and businesses in the city;

### THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

**Section 1.** Article I, General Provisions, Chapter 9.10.25, Ban of Early Marijuana Sales, is added to read as follows:

#### 9.10.025 Ban of Early Marijuana Sales.

1. **BAN DECLARED.** The City of Newberg hereby prohibits the sale of limited marijuana retail product in any area subject to the jurisdiction of City of Newberg as described in section 2 of Senate Bill 460 (2015).
2. **DURATION OF BAN.** The ban imposed by this ordinance will be effective until December 31, 2016, or until the Legislature ends sales of limited marijuana retail product by medical marijuana dispensaries, whichever comes later.
3. **ENFORCEMENT.** Violation of the provisions of this ordinance shall constitute a Class 1 Civil

Infraction as that term is defined under the uniform civil infraction procedure ordinance. Each individual sale to a separate person shall constitute a separate offense. Enforcement shall be according to the uniform civil infraction procedure ordinance (NMC 2.30.150 et seq.).

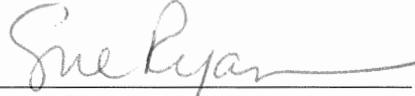
4. **ADDITIONAL REMEDIES.** Notwithstanding the enforcement provisions in subsection 3 above, the City reserves and may invoke any other remedies authorized under local, state, federal, or common law, including injunctive relief or other equitable remedies.

**Section 2. Emergency Clause.**

**EMERGENCY CLAUSE:** This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance shall be in full force and effect on September 21, 2015.

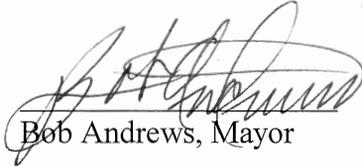
➤ **EFFECTIVE DATE** of this ordinance, which is: September 21, 2015.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 21st day of September, 2015, by the following votes: **AYE: 5      NAY: 2      ABSENT: 0      ABSTAIN: 0**



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Sue Ryan, City Recorder

**ATTEST** by the Mayor this 21<sup>st</sup> day of September, 2015.



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Bob Andrews, Mayor