

ORDINANCE NO. 988

AN ORDINANCE AMENDING THE STAYTON MUNICIPAL CODE TITLE 5, CHAPTER 5.12 RELATING TO THE LOCATION OF MARIJUANA FACILITIES AND DECLARING AN EMERGENCY.

WHEREAS, on September 21, the Stayton City Council enacted Ordinance No. 987 establishing a licensing system for and restricting the permissible locations of marijuana facilities;

WHEREAS, the City Council has determined that the location restrictions on marijuana facilities enacted in Ordinance No. 987 are not reasonable, in that they would permit facilities at only two locations within the City, neither of which are likely to be available to a facility;

WHEREAS, there are two proposed medical marijuana dispensaries in the City of Stayton that have received permits from the Oregon Health Authority;

WHEREAS, the City of Stayton desires to have reasonable time, place and manner restrictions on facilities that protect the public health, safety and welfare of the citizens of Stayton and limits access to marijuana products by children but allows for the location of facilities within the City; and,

NOW THEREFORE, the City of Stayton ordains:

SECTION 1. Stayton Municipal Code Section 5.12.040 is amended to read as follows: (additions are underlined; deletions are ~~crossed-out~~):

5.12.040 LOCATION AND HOURS OF OPERATION

- A. No marijuana facility may be located within 1,000 feet of another marijuana facility. Distances between facilities will be calculated from the closest point with respect to property lot lines.
- B. No marijuana facility may be located within ~~and~~ 200 feet from any residence. Distances from the facility to a residence will be measured from that portion of the building occupied by the facility and the residence. However, if the residence is an apartment within a Commercial, Industrial or Downtown zone, as described in Chapter 17.16, and is part of an existing mixed-use structure such as a second story apartment above a business, or is part of a residential development occupancy of which is restricted to persons 55 or older. the facility is not required to be more than 200 feet from the residence.
- C. Marijuana facilities may not be located within 1,000 feet of a public or private school. A school is one described by ORS, OLCC, and OHA. Distances from the facility to a school will be calculated from the closest point with respect to property lot lines. However, if a school moves to within a 1,000 feet of a pre-existing marijuana facility, the facility is not required to move unless the facility changes ownership.
- D. ~~Distances from the facility will be calculated from the closest point with respect to property lot lines.~~

E. The hours of operation for a Medical Marijuana Dispensary or Retail Marijuana Facility may not be outside of 9am to 7pm.

SECTION 2. Stayton Municipal Code Section 5.12.060.D is amended to read as follows:
(additions are underlined; deletions are ~~crossed out~~):

D. No marijuana products may be sold or given to an individual knowing the product will be sold or given to a person who does not have a Oregon Medical Marijuana Program card or is under the age of 21 or used in violation of State law.

SECTION 3. Upon enactment by the Stayton City Council and the Mayor's signature, the Ordinance shall become effective 30 days after enactment.

ADOPTED BY THE STAYTON CITY COUNCIL THIS 2ND DAY OF NOVEMBER, 2015.

CITY OF STAYTON

Signed: 11/2/15

By: Henry A. Porter
Henry A. Porter, Mayor

ATTEST

Signed: 11/2/15

By: Keith Campbell
Keith Campbell, City Administrator

APPROVED AS TO FORM:

David A. Rhoten
David A. Rhoten, City Attorney