

**ORDINANCE NO.** 5857

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

**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; and

**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; and

**WHEREAS**, the Oregon Liquor Control Commission has not yet licensed the retail sale of recreational marijuana; and

**WHEREAS**, the Legislature enacted Senate Bill 460 (2015) to allow medical marijuana dispensaries to sell limited marijuana retail product starting October 1, 2015; and

**WHEREAS**, Senate Bill 460 (2015) provides that a city may adopt ordinances prohibiting the sale of limited marijuana retail product from medical marijuana dispensaries; and

**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;

**NOW THEREFORE, BASED ON THE FOREGOING, THE PEOPLE OF THE CITY OF ALBANY, OREGON DO ORDAIN AS FOLLOWS:**

**BAN DECLARED.** The City of Albany hereby prohibits the sale of limited marijuana retail product from medical marijuana dispensaries in any area subject to the jurisdiction of the City of Albany as described in section 2 of Senate Bill 460 (2015).

**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.

**EMERGENCY.** 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 when signed by the Mayor.

Passed by Council: Sept 23, 2015

Approved by Mayor: Sept 23, 2015

Effective Date: Sept 23, 2015

ATTEST:

Mary A. Dibble  
City Clerk

S. Kane  
Mayor