

**CITY OF WASCO**  
**ORDINANCE NO. 335**

**AN ORDINANCE PROHIBITING THE ESTABLISHMENT OF MARIJUANA PROCESSING SITES, MEDICAL MARIJUANA DISPENSARIES, MARIJUANA PRODUCERS, MARIJUANA PROCESSORS, MARIJUANA WHOLESALERS, AND MARIJUANA RETAILERS IN THE AREA SUBJECT TO THE JURISDICTION OF THE CITY OF WASCO AND DECLARING AN EMERGENCY.**

WHEREAS, the Oregon Legislature enacted House Bill 3400 (2015), which allows cities to prohibit various activities relating to the producing, processing, wholesaling, selling, and dispensing of marijuana if not less than 55% of votes cast in the county in which the city is located, during the statewide general election held on November 4, 2014, on Ballot Measure 91 (chapter 1, Oregon Laws 2015) were in opposition to the Ballot Measure; and

WHEREAS, the City of Wasco is located in Sherman County, Oregon and over 60% of votes cast in the county during the statewide general election held on November 4, 2014, on Ballot Measure 91 (chapter 1, Oregon Laws 2015) were in opposition to the Ballot Measure; and

WHEREAS, over 59% of votes cast in the Wasco Precinct during the statewide general election held on November 4, 2014, on Ballot Measure 91 (chapter 1, Oregon Laws 2015) were in opposition to the Ballot Measure; and

WHEREAS, 21 USC} 801, *et seq*, the Federal Controlled Substances Act, prohibits the manufacture, distribution, and possession of marijuana, and imposes criminal penalties for violating the act; and

WHEREAS, it is in the best interest of the health, safety, and welfare of the citizens of the City of Wasco to prohibit the establishment of various activities relating to the producing, processing, wholesaling, selling, and dispensing of marijuana in the area subject to the jurisdiction of the City of Wasco;

NOW, THEREFORE, the City of Wasco does hereby ordain:

**PROHIBITED ACTIVITIES RELATED TO MARIJUANA.** The establishment of any of the following activities is prohibited within the jurisdictional limits of the City of Wasco:

- (A) Marijuana processing sites registered under section 85 of House Bill 3400 (2015);
- (B) Medical marijuana dispensaries registered under ORS 475.314;
- (C) Marijuana producers licensed under section 19, chapter 1, Oregon Laws 2015;
- (D) Marijuana processors licensed under section 20, chapter 1, Oregon Laws 2015;

- (E) Marijuana wholesalers licensed under section 21, chapter 1, Oregon Laws 2015;
- (F) Marijuana retailers licensed under section 22, chapter 1, Oregon Laws 2015; and
- (G) Any combination of the entities described above

**CIVIL ACTION.** The City of Wasco may initiate a civil action against any person or entity violating this Ordinance for any and all remedies available under Oregon law, including but not limited to obtaining mandatory and prohibitory injunctions and orders of abatement. The City of Wasco shall be entitled to collect its costs and expenses, including reasonable attorney fees incurred at trial, hearing or on appeal.

**SEVERABILITY.** If any part or section of this Ordinance is determined to be invalid or unenforceable in any respect for any reason, such portion shall be deemed a separate, distinct, and independent provision and such determination shall have no effect on the validity and enforceability of any other provision hereof, all of which will remain in full force and effect, with the remaining provisions of this Ordinance in no way impaired.

**EMERGENCY CLAUSE.** In as much as it is deemed necessary for the immediate preservation of the peace, health, safety, and welfare of the citizens of the City of Wasco that this Ordinance become effective prior to December 24, 2015, the Common Council of the City of Wasco, by its vote, declares an emergency to exist and this Ordinance to be in full force and effect immediately upon its passage by the Council and its approval by the Mayor.

**PASSED AND ADOPTED** by the Common Council of the City of Wasco and **APPROVED** by the Mayor on this \_\_\_\_\_ day of December, 2015.

**CITY OF WASCO**

\_\_\_\_\_  
Carol MacKenzie, Mayor

ATTEST:

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Cassie Strege, City Clerk