

**John Day City Council  
April 28, 2015  
7:00 p.m.  
Council Chambers  
AGENDA**

1. **OPEN AND NOTE ATTENDANCE**
2. **APPROVAL OF CITY COUNCIL MINUTES OF APRIL 14, 2015 REGULAR CITY COUNCIL MEETING**
3. **APPEARANCE OF INTERESTED CITIZENS – At this time Mayor Lundbom will welcome the general public and ask if there is anything they would like to add to tonight’s agenda.**

**ACTION ITEMS:**

4. **DISCUSS FOR ADOPTION ORDINANCE NO. 15-163-01, AN ORDINANCE OF THE CITY OF JOHN DAY ESTABLISHING TIME, PLACE, AND MANNER REGULATIONS CONCERNING MEDICAL MARIJUANA FACILITIES (DISPENSARIES); AND DECLARING AN EMERGENCY**  
Attachments:
  - Ordinance No. 15-163-01 with redlined versions
  - City Charter Section 32, Adoption by Council
5. **DISCUSS FOR ADOPTION RESOLUTION NO. 15-732-02, A RESOLUTION ESTABLISHING FEES FOR MEDICAL MARIJUANA FACILITIES (DISPENSARIES)**  
Attachment:
  - Resolution No. 15-732-02 with redlined versions
6. **FIRST REVIEW OF DRAFT NUISANCE ORDINANCE, AN ORDINANCE ESTABLISHING DEFINITIONS OF NUISANCE, PENALTIES, AND PROCEDURES FOR ABATEMENT OF NUISANCE IN THE CITY OF JOHN DAY**  
Attachment:
  - Draft Nuisance Ordinance

**OTHER BUSINESS:**

7. **OTHER BUSINESS AND UPCOMING MEETINGS**  
Attachments:
  - LOC Bulletin

**ADJOURN**

**TO:** John Day City Council

**FROM:** Peggy Gray, City Manager

**DATE:** April 28, 2015

**SUBJECT:** Discuss for Adoption Ordinance No. 15-163-01, an Ordinance of the City of John Day Establishing Time, Place, and Manner Regulations Concerning Medical Marijuana Facilities (Dispensaries); and Declaring an Emergency

Attachments:

- Ordinance No. 15-163-01 with redlined versions
- City Charter Section 32, Adoption by Council

**BACKGROUND:**

On April 22, 2014, the John Day City Council adopted the John Day Medical Marijuana Moratorium Ordinance No. 14-161-02. This ordinance established a moratorium on the establishment of medical marijuana facilities within the city limits of John Day; the moratorium expires May 1, 2015.

At the March 24, 2015 council meeting; it was the consensus of the John Day City Council to continue the prohibition of medical marijuana facilities (dispensaries) within the city limits of John Day and to place time, place, and manner regulations should the City later decide to repeal the banning ordinance

At the April 14, 2015 council meeting; the John Day City Council voted down the ordinance banning medical marijuana dispensaries by a 4-3 vote. At the same council meeting, the Council unanimously approved an ordinance establishing time, place, and manner (TPM) regulations regarding medical marijuana dispensaries. However, the original TPM ordinance's language was based on the Council adopting the banning ordinance. City Attorney Jeremy Green changed the numbering of the ordinances in light of the fact that the banning ordinance will not be adopted and also revised all the language referring to the original banning ordinance.

**RECOMMENDATION:**

For your review, I have attached the redlined versions of the ordinance for your convenience. In accordance with Section 32 of the City's charter, (4) an ordinance read by title only has no legal effect if it differs substantially from its terms as it was filed prior to the reading unless each section so differing is read fully and distinctly in open council meeting before the council adopts the ordinance.

Once the revisions are read aloud by Mayor Lundbom, the following motions are suggested:

First motion: "I move to have Mayor Lundbom read Ordinance No. 15-163-01 by title only."

Second motion: "I move to adopt Ordinance No. 15-163-01."

**TO:** John Day City Council

**FROM:** Peggy Gray, City Manager

**DATE:** April 28, 2015

**SUBJECT:** Discuss for Adoption Resolution No. 15-732-02, a resolution establishing fees for Medical Marijuana Facilities (dispensaries)

Attachment:

- Resolution No. 15-732-02 with redlined versions

**BACKGROUND:**

With the adoption of Ordinance No. 15-163-01 establishing reasonable time, place, and manner regulations concerning medical marijuana dispensaries; the Council needs to establish by resolution the amounts of the initial dispensary permit application and investigation fees and permit renewal application and investigation fees as required under Sections 5.1 and 5.2 of the Ordinance.

Resolution No. 15-732-02 establishes the following fees:

- Pursuant to Section 5.1 of the Ordinance, the City Council establishes an initial permit application and investigation fee of \$300.00
- Pursuant to Section 5.2 of the Ordinance, the City Council establishes a permit renewal application and investigation fee of \$200.00 (i.e., the fee payable for dispensary permit renewals)

**RECOMMENDATION:**

Since the Council is not adopting the banning ordinance, we need to revise Resolution No. 15-732-02 to correct the ordinance numbering and clarify the resolution will be in full force and effect on the day of its approval and adoption.

The following motion is suggested:

"I move to adopt Resolution No. 15-732-02."

**TO:** John Day City Council

**FROM:** Peggy Gray, City Manager

**DATE:** April 28, 2015

**SUBJECT:** First review of Draft Nuisance Ordinance, an Ordinance Establishing Definitions of Nuisance, Penalties, and Procedures for Abatement of Nuisance in the City of John Day

Attachment:

- Draft Nuisance Ordinance

**BACKGROUND:**

Last August we had a discussion regarding updating our Nuisance Ordinance. I explained that I receive complaints from citizens regarding property owners not taking care of their properties by permitting weeds and other noxious vegetation to grow and allowing their trees to become a nuisance. I informed the Council that that the current Nuisance Ordinance the City has to follow to take care of these types of issues is very complicated, time consuming and cumbersome. Other cities have procedures that are less cumbersome, less costly and are more effective in abating nuisances. I asked the Council if they would like to explore the possibility of updating the City's Nuisance Ordinance. I informed the Council that our City Attorney Jeremy Green is currently working with the City of Madras updating their Nuisance Ordinance. It was the consensus of the John Day City Council to have me work with City Attorney Jeremy Green to update the Nuisance Ordinance and bring back a draft to the City Council for your review.

**RECOMMENDATION:**

This will be the Council first review of the document, after the Council has a chance to review and comment, we will present the final document for the Council's adoption at a later council meeting.

**TO:** John Day City Council  
**FROM:** Peggy Gray, City Manager  
**DATE:** April 28, 2015  
**SUBJECT:** Other Business and Upcoming Meetings  
Attachments:

- LOC Bulletin

**OTHER BUSINESS:**

1. The April 17, 2015 LOC Bulletin is included in your council packets.
2. Public Works Director David Holland's final day with the City of John Day is Thursday, April 30<sup>th</sup>. We will have an Open House at City Hall from 1:00 p.m. to 3 p.m.

**UPCOMING MEETINGS:**

May 12, 2015	7:00 p.m. Council Chambers	Regular council meeting
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