

**ORDINANCE NO. 21-196-07**

**AN ORDINANCE OF CITY OF JOHN DAY ESTABLISHING TIME, PLACE, AND MANNER REGULATIONS CONCERNING THE OPERATION OF CERTAIN MARIJUANA BUSINESSES IN THE CITY; AND AMENDING, REPEALING, AND REPLACING ORDINANCE NO. 15-163-01.**

WHEREAS, City of John Day (“City”) has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant or allow City; and

WHEREAS, on April 28, 2015, City adopted Ordinance No. 15-163-01 (the “Medical Marijuana Ordinance”) pursuant to which City adopted reasonable regulations governing medical marijuana dispensaries in City; and

WHEREAS, on August 11, 2015, City adopted Ordinance No. 15-164-02, pursuant to which City prohibited (banned) marijuana establishments related to the producing, processing, wholesaling, selling, and/or dispensing of marijuana within City’s jurisdictional limits; and

WHEREAS, by separate ordinance, City desires to repeal the ban and adopt reasonable regulations governing marijuana operations in City; and

WHEREAS, the John Day City Council (the “Council”) finds that the characteristics, operations, and potential impacts of (a) recreational marijuana producers, processors, wholesalers, testing laboratories, researchers, and retailers, and (b) medical marijuana dispensaries, grow sites, and processing sites, necessitate (y) the establishment of particular reasonable time, place, and manner regulations for such operations, and (z) a separate permitting process for such operations; and

WHEREAS, City desires to reasonably regulate marijuana operations in an effort to protect the public health, safety, and welfare.

NOW, THEREFORE, the City of John Day ordains as follows:

1. Findings. The above-stated findings are hereby adopted.
2. Purpose. The purpose of this Ordinance No. 21-196-07 (this “Ordinance”) is to minimize any adverse public safety and public health impacts that may result from allowing marijuana businesses to operate in City’s incorporated limits by (a) adopting particular reasonable time, place, and manner regulations, and (b) a separate permitting process for such operations.
3. Definitions. For purposes of this Ordinance, the following terms and phrases have the meanings assigned to them below:

“Business(es)” means any business or establishment operated by any person or entity who is or must be appropriately registered with the Oregon Health Authority and/or licensed by the Oregon Liquor Control Commission to sell, distribute, produce, cultivate, grow, wholesale, process, research, dispense, develop, and/or test any form of marijuana or marijuana derivatives, including, without limitation, marijuana processors, producers, growers, dispensaries, retailers, wholesalers, testing laboratories, researchers, and/or any combination thereof.

“Cannabinoid” means any of the chemical compounds that are the active constituents of marijuana.

“Cannabinoid edible” means food or potable liquid into which a cannabinoid concentrate, cannabinoid extract or dried marijuana leaves or flowers have been incorporated.

“Cannabinoid extract” means a substance obtained by separating cannabinoids from marijuana by: (a) a chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane; (b) a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses heat or pressure; or (c) any other process identified by the Oregon Liquor Control Commission, in consultation with the Oregon Health Authority, by rule.

“Code” means the City Code of John Day, Oregon, as amended from time to time.

“Company principal(s)” means a person who is a director, officer, shareholder, manager, member, or partner of an entity or has a controlling interest in the entity through his or her ownership or control of 10% or more of the ownership in the entity or 10% or more of the total investment interest in the entity.

“Controlled substance(s)” means a substance designated as Schedule I or Schedule II controlled substances by the Code of Federal Regulations Title 21, Chapter II, Part 1308.

“Convicted” means an adjudication of guilt upon a verdict or finding entered in a criminal proceeding in a court of competent jurisdiction.

“Development code” means the John Day Development Code, as amended.

“Financial interest” exists when a person, the person’s immediate family, and/or a legal entity of which the person is a company principal (a) receives or is entitled to receive directly or indirectly any of the benefits of a business, (b) rents or leases real property to the business for use by the business, and/or (c) lends or gives money, real property, or personal property to the business for use in the business. For purposes of this definition, monies owed to suppliers or contractors for the reasonable cost of goods and services received does not constitute a financial interest in a business.

“Law(s)” means all applicable federal, state, and local laws, rules, regulations, restrictions, orders, codes, and/or ordinances relating to or concerning, whether directly or indirectly, marijuana including, without limitation, ORS chapter 475B, OAR chapter 845 (for recreational marijuana businesses), OAR chapter 333 (for medical marijuana businesses), all land use/development, building, and fire codes, and all other federal, state, and local laws, regulations, and ordinances, all as now in force and/or which may hereafter be amended, modified, enacted, or promulgated.

“Manager” means City’s city manager (or his or her designee) and/or any other City officer, employee, or agent appointed by the Council from time to time.

“Marijuana” means all parts of the plant Cannabis family Cannabaceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin; provided, however, “marijuana” does not include industrial hemp, as defined in ORS 571.300, or the seeds of industrial hemp.

“Marijuana dispensary(ies)” or “dispensary(ies)” means a medical marijuana facility that is registered by the Oregon Health Authority under ORS 475B.858 and that sells, distributes, transmits, gives, dispenses, and/or otherwise provides medical marijuana to medical marijuana qualifying patients.

“Marijuana processor(s)” or “processor(s)” means a processor required to be licensed under ORS 475B.090 and/or registered under ORS 475B.840.

“Marijuana producer(s)” or “producer(s)” means a producer and/or grower required to be licensed under ORS 475B.070 or registered under ORS 475B.810.

“Marijuana researcher(s)” means a researcher of cannabis required to be issued a certificate under ORS 475B.286.

“Marijuana retailer(s)” or “retailer(s)” means a retailer required to be licensed under ORS 475B.105.

“Marijuana testing laboratory(ies)” or “laboratory(ies)” means a facility that conducts testing of marijuana products as required by ORS 475B.555 and required to be licensed under ORS 475B.560.

“Marijuana wholesaler(s)” or “wholesaler(s)” means a wholesaler required to be licensed under ORS 475B.100.

“Medical marijuana” means all parts of marijuana plants that may be used to treat or alleviate a medical marijuana qualifying patient’s debilitating medical condition as defined under ORS 475B.791 or symptoms associated with the patient’s debilitating medical condition.

“Medical marijuana qualifying patient(s)” means a registry identification cardholder as defined under OAR 333-008-0010(63) or the designated primary caregiver of the cardholder as defined under OAR 333-008-0010(20).

“Minor(s)” means any person under 21 years of age.

“Person(s)” means an individual.

“PRF” (person responsible for a medical marijuana facility) means an individual who owns, operates, and/or otherwise has legal responsibility for a medical marijuana facility and has been approved by the Oregon Health Authority.

“Registry identification cardholder(s)” means a person who has been diagnosed by an attending physician with a debilitating medical condition and for whom the use of medical marijuana may mitigate the symptoms or effects of the person’s debilitating medical condition and who has been issued a registry identification card by the Oregon Health Authority.

4. Annual Permit Required. The company principal and/or PRF of each business operating in City’s incorporated limits must possess a valid annual marijuana permit issued under this Ordinance and must comply with the requirements of all applicable federal, state, and local laws, regulations, and ordinances, including, without limitation, this Ordinance. The permit term will be for a fiscal year,

beginning July 1 and ending June 30 of the immediately following year. The permit must be obtained and renewed contemporaneously with the company principal's obtainment and renewal of City's business license. Permits are non-transferrable. A separate permit must be obtained for each form of business even if operated on the same premises or under the same ownership.

5. Permit Application; Renewal; Updates; Termination; Fees.

5.1 Initial Application; Fee. Application forms for marijuana permits will be available at the John Day City Hall. Applications for initial and renewal permits must be submitted to City and signed under penalty of perjury. At the time of submission of an initial permit application, the applicant must pay a permit application and investigation fee. The permit application and investigative fee amount will be set from time to time by Council resolution. No portion of the fee is refundable if a permit is denied or operation of the business is discontinued for any reason. A separate permit application must be submitted for each proposed business location. The permit application documents may be included as part of City's business license application materials and must contain, at minimum, the following:

- (a) The location of the proposed business;
- (b) A description of the type, nature, and extent of the business to be conducted;
- (c) A description of the proposed accounting and inventory systems for the business;
- (d) Certification that the proposed business is licensed to conduct business in compliance with Title 3, Chapter 1 of the Code, City's code provisions concerning business licenses, and in compliance with all applicable federal, state, and local laws, regulations, and/or ordinances;
- (e) Certification that the proposed business has met the requirements of all applicable land use and/or development laws, regulations, and/or codes; and
- (f) Such other information deemed necessary or appropriate by the manager to conduct any investigation of the company principals, employees, volunteers, persons with a financial interest, and persons or entities providing debt financing for the business.

5.2 Renewal Application; Fee. A permit renewal application will include information similar in nature to that provided on the permittee's initial permit application and must be submitted to City not less than 30 days prior to expiration of the permit. Permit renewal application materials may be included as part of City's business license renewal application materials. At the time of submission of a permit renewal application, the permittee must pay a permit renewal application and investigation fee. The renewal application and investigation fee amount will be set from time to time by Council resolution. No portion of the fee is refundable if a permit is denied or operation of the business is discontinued for any reason.

5.3 Termination. A permit terminates automatically on June 30 of each year unless a permit renewal application is prior approved. A permit terminates automatically and without further act of City if any federal and/or state statutes, laws, regulations, ordinances, and/or guidelines are

modified, changed, and/or interpreted in a manner by state or federal law enforcement officials so as to prohibit operation of the business under this Ordinance.

5.4 Notification of Changes. If a permittee is required to provide the Oregon Health Authority and/or Oregon Liquor Control Commission with any update, notice, report, or additional disclosure pursuant to OAR 333-008-2030, OAR 845-025-1160, and/or any other state law and/or regulation, the permittee will supply the same information to City within the same deadline. If the supplied information necessitates a modification of the permit, such as the change in business location, the permittee will remit the applicable fee for an annual renewal.

6. Operation Regulations; Permit Conditions. Except as otherwise expressly provided under this Ordinance, each business must comply with the following operating regulations, in addition to all other applicable federal, state, and/or local laws, regulations, and/or ordinances:

6.1 Compliance with Applicable Laws. The business must at all times be operated in compliance with the Laws, this Ordinance, and all other federal, state, and local laws, regulations, and ordinances, including, without limitation, those directly or indirectly relating to marijuana, including the payment of all fines, fees, and taxes owing to City.

6.2 State License and/or Registration Required. Each business must at all times be licensed and/or registered, as the case may be, and in good standing under Oregon law.

6.3 Business License Required. Each business must have a current City business license.

6.4 Production, Processing, Testing, Research, and Wholesaling Restrictions.

(a) Co-location of production, testing, researching, processing, and/or wholesale businesses on the same premises is only permitted as allowed under Oregon law and as consistent with the development code.

(b) Subject to restrictions on certain forms of processing contained in this Ordinance, processors will only be permitted to engage in the forms of processing for which they have obtained applicable endorsements under OAR 845-025-3210 or OAR 333-008-1700, as the case may be.

(c) Production, processing, testing, researching, and/or wholesaling is prohibited in any outdoor area and/or in any structure where the production, processing, testing, researching, and/or wholesaling is visible from outside of the structure. Without otherwise limiting the generality of the immediately preceding sentence, production, processing, testing, researching, and/or wholesaling must occur inside secure, enclosed structures.

(d) Recreational marijuana processors with an endorsement to produce cannabinoid extracts or concentrates must comply with state requirements for such production including, without limitation, OAR 845-025-3260. Medical marijuana processors with an endorsement to produce cannabinoid extracts or concentrates must comply with state requirements for such production including, without limitation, OAR 333-008-1800.

(e) Recreational marijuana processors with endorsements to produce cannabinoid edibles must comply with all state requirements for such production including, without limitation, OAR 845-025-3250. Medical marijuana processors with endorsements to produce cannabinoid edibles must comply with all state requirements for such production including, without limitation, OAR 333-008-1790.

6.5 On-Site Consumption Prohibited. Marijuana, alcohol, and/or other intoxicants must not be consumed, ingested, inhaled, and/or topically applied anywhere on the premises of the business, except that an employee of a business with a valid medical marijuana registry identification card may consume marijuana during his or her work shift as necessary for his or her medical condition as provided in OAR 845-025-1230(6)(b).

6.6 Operating Hours. Daily operating hours for dispensaries, retailers, and wholesalers must be no earlier than 7:00 a.m. or later than 10:00 p.m., Monday through Sunday.

6.7 Odors. Each business must utilize an air filtration and ventilation system or other mitigation measures certified by an Oregon licensed mechanical engineer (and employ such other measures and means) that confines all objectionable odors associated with the business to the business's premises. Odor control measures must be installed and operational prior to commencing business operations. For purposes of this Section 6.7, the standard for judging "objectionable odors" will be that of a reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and where the odor is detected.

6.8 Disposal. Each business must provide for secure disposal of marijuana waste, expired marijuana products, marijuana remnants and marijuana byproducts. Receptacles for such disposal must not be placed within the business's exterior refuse containers or otherwise outside of the control of the business.

6.9 Retailer and Dispensary Location Restrictions.

(a) The premises for a retailer must not be located (a) at the same address as any other business except as allowed under this Ordinance, Oregon law and as consistent with the development code, (b) within 1,000 feet of the real property comprising a public or private elementary, secondary, and/or career school attended primarily by minors or real property comprising a park, (c) within 500 feet of the premises of another retailer, (d) within a 500 feet of the premises of a dispensary, and/or (e) in any area and/or zone not expressly permitted under the development code. For purposes of this Section 6.9(a), "within 1,000 feet" or "within 500 feet" means a straight-line measurement in a radius extending for 1,000 feet or less or 500 feet or less, as applicable, in every direction from closest point on the boundary line of the real property or premises, as applicable, of the applicable conflicting use identified in this Section 6.9(a); the term "premises" has the meaning assigned to such term in ORS 475B.015(30).

(b) The premises of a dispensary must not be located (a) at the same address as any other business except as allowed under Oregon law and as consistent with the development code, (b) on the same parcel or lot as a marijuana grow site registered under ORS 475B.810, (c) within 1,000 feet of the real property comprising a school (public or private) providing education to K-12 grades (i.e., a elementary, secondary, and/or career school attended primarily by minors), childcare center, or park, (d) within 1,000 feet of the premises of another dispensary, (e) within

500 feet of the premises of a retailer, and/or (f) in any area and/or zone not expressly permitted under the development code. For purposes of this Section 6.9(b), “within 1,000 feet” or “within 500 feet” means a straight-line measurement in a radius extending for 1,000 feet or less or 500 feet or less, as applicable, in every direction from closest point on the boundary line of the real property or premises, as applicable, of the applicable conflicting use identified in this Section 6.9(b); the term “premises” has the meaning assigned to such term in ORS 475B.015(30) as if such statute were also applicable to dispensaries.

6.10 Signage. Signage will comply with all applicable sign codes.

6.11 Packaging of Edibles. All products containing marijuana intended to be ingested sold and/or otherwise transferred on a retailer’s or dispensary’s premises must (a) contain warning labels on the outside of the packaging that state "For use only by adults 21 and older—Keep out of reach of children," "It is illegal to drive a motor vehicle while under the influence of marijuana," and "BE CAUTIOUS" in bold, capital letters, followed by "Cannabinoid edibles can take up to 2 hours or more to take effect," (b) be packaged in a tamper-proof hard or soft-bodied receptacle that is designed and constructed to be significantly difficult for children under five years of age to open and that is sealed, opaque such that the product cannot be seen from outside the packaging, closable for any product intended for more than a single use or containing multiple servings, and not brightly colored, depicting cartoons, or in the shape of an animal or any other commercially recognizable toy or candy, and (c) satisfies any and all applicable state requirements for packaging and labeling, including, without limitation, OAR chapter 333, division 7.

6.12 Minors.

(a) Except as expressly provided under OAR 845-025-1230 and/or in Section 6.12(b) of this Ordinance, minors are not allowed on any business premises and no minor is allowed to enter the area of a business where marijuana is present.

(b) Minors are not allowed on dispensary premises except a minor that is a registry identification cardholder and is accompanied by a parent or guardian whose purpose is to procure the minor’s medicine; provided, however, no person under 18 years of age is allowed to enter any limited access or point of sale area of a dispensary.

6.13 Criminal Convictions. A person who has been convicted in any state for any felony which is grounds for denial, suspension, and/or revocation of a license issued under OAR chapter 845, division 25 and/or a registration issued under OAR chapter 333, division 8, may not be a company principal, PRF, and/or permittee of the business operated in City’s incorporated limits.

6.14 Accounting System and Records. Each business must have an accounting system specifically designed for enterprises reliant on transactions conducted primarily in cash such that revenue and expenses are recorded as they are paid, regardless of when goods are received or delivered, and sufficient to maintain detailed, auditable financial records. If the manager finds that the business’s books and records are deficient in any way and/or if the accounting system is not auditable, the business must modify the business’s accounting system to meet the requirements of the manager.

6.15 Record Keeping. Each business must keep and preserve records of all sales made by the business and such other books or accounts as may be required by the manager. Each

business must keep and preserve for a period of at least three years records containing at least the following information, in addition to that information specified under Oregon law: (a) true names and any aliases of the company principals; (b) true names and any aliases of employees/volunteers of the business; (c) true names and addresses and any aliases of persons that have or within the preceding year have had a financial interest in the business; (d) documentation concerning costs related to transferring, handling, securing, insuring, testing, packaging, and processing marijuana, and the cost of supplies, utilities, and rent or mortgage; (e) the amount of money paid by a business to a grower for each transfer of marijuana; (f) state and federal income tax returns; and (g) any other additional information the manager deems necessary or appropriate.

6.16 Permit Display. Each business must display its current permit inside the business location in a prominent place easily visible to persons conducting transactions in the business and adjacent to the business's business license.

6.17 Sales and Transfers. Sales or other transfers of marijuana products on the business premises must occur inside the business's building and must be conducted only between the business and customer. Without otherwise limiting the generality of the immediately preceding sentence, sales and/or transfers are prohibited in any outdoor area and/or in any structure where the sale or transfer is visible from outside of the structure. All doorways, windows, and other openings of a business must be located, covered, and/or screened in such a manner to prevent a view from any exterior public area into any area where marijuana and/or marijuana products are displayed, offered, advertised, sold, transferred, and/or stored. Walk-up, drive-through, curbside, and/or other external sale methods or types of service are prohibited.

6.18 Mobile Retailers and Dispensaries Prohibited. Mobile retailers and/or dispensaries are prohibited. No person will locate, operate, own, allow to be operated, and/or aid, abet, and/or assist in the operation of any mobile retailer and/or dispensary that transports or delivers, or arranges the transportation or delivery of, marijuana to a person.

6.19 Security System. Each business must obtain and maintain a fully operable security system that complies with applicable Oregon laws and regulations and the development code. The security system will be maintained in good working condition and will be in use at all times.

6.20 Worker Permits. All employees who perform work on behalf of an Oregon Liquor Control Commission licensed marijuana producer, processor, wholesaler, and/or retailer, including, without limitation, employees working in a licensed business or managing information in the cannabis tracking system, must possess a marijuana worker permit.

6.21 Outdoor Storage. Outdoor storage of marijuana, marijuana products, raw materials, or other materials associated with the marijuana business is prohibited.

6.22 Events. No events of any kind are permitted in any marijuana business.

7. Background Checks. Each business will provide City the results of criminal background checks conducted by the Oregon Liquor Control Commission and/or the Oregon Health Authority (including federal background checks) on any person specified in an initial or renewal permit application including, without limitation, any person with financial interest, PRF, company principal, employee, or volunteer, to determine if any person specified therein has any history of federal or state felony



convictions. If, following an initial application or renewal, an additional person is proposed to be a person with financial interest, company principal, employee, or volunteer, then the business will provide City the results of any criminal background checks conducted by the Oregon Liquor Control Commission and/or Oregon Health Authority for such person prior to assuming such position. Each business will inform City whether all persons named in the permit application passed the required Oregon background checks.

8. Release; Indemnification.

8.1 Release of Liability. By accepting a permit issued pursuant to this Ordinance, the business, business owners, persons with a financial interest, and company principal(s) waive and release City and City's officers, employees, volunteers, agents, insurers, and self-insurance pool for, from, and against all injuries, claims, demands, actions, suits, damages, liabilities, costs, and/or expenses of any kind, including, without limitation, attorney fees and costs, which arise out of or result from any arrest and/or prosecution of the business, business owners, persons with financial interest, company principals, employees, volunteers, clients, customers, and/or any other associated persons for violations of any federal, state, and/or local laws, regulations, and/or ordinances.

8.2 Indemnification. By accepting a permit issued pursuant to this Ordinance, the business, business owners, persons with a financial interest, and company principal(s) will, on a joint and several basis, indemnify and hold harmless City and City's officers, employees, volunteers, agents, insurers, and self-insurance pool for, from, and against all injuries, claims, demands, actions, suits, damages, liabilities, costs, and/or expenses of any kind whatsoever, including, without limitation, attorney fees and costs, arising out of or resulting from in any manner the operation of the business, including, without limitation, any bodily injury, personal injury, sickness, disease, death, property loss or damage, and/or any other loss.

9. Permit Denial, Suspension, and Revocation; Penalties; Appeals.

9.1 Grounds for Denial, Suspension, Revocation. The manager may deny, suspend, or revoke a permit for failure to comply with this Ordinance, for submitting falsified information to City, to the Oregon Health Authority, or to the Oregon Liquor Control Commission, and/or for noncompliance with any other City ordinances or regulations or violations of federal, state, and/or local laws, regulations, and/or ordinances.

9.2 Notice of Revocation or Suspension. The manager must provide to the permittee written notice of any permit suspension or revocation and reasons therefor by first-class US mail at least 10 calendar days prior to the effective date of the revocation or suspension.

9.3 Appeal. A decision to deny, suspend, or revoke a permit may be appealed by delivering personally a written notice of appeal to the manager on or before the effective date of the denial, suspension, or revocation. Unless the manager has declared that imminent danger to the public will exist, the manager's decision to revoke or suspend is stayed pending appeal. The manager will transmit the notice of appeal together with the file of the appealed matter to the Council after which transmission the Council will fix a time and place for hearing the appeal. The Council will give the appellant not less than 10 days' prior written notice of the time and place of hearing of the appealed matter.

9.4 Violations; Infractions. Violation of or failure to comply with any provision of this Ordinance is punishable upon conviction by a fine not to exceed \$500.00. City will be entitled to collect from any company principal violating or otherwise failing to comply with this Ordinance City's reasonable attorney fees and other fees, costs, and expenses incurred by City to enforce this Ordinance, including, without limitation, any costs incurred by City to audit a business's records. Each day in violation constitutes a separate offense. Business owners, company principals, employees, and volunteers are jointly and severally liable for such offenses.

9.5 Remedies not Exclusive. The remedies provided in this Section 9 are not exclusive and will not prevent City from exercising any other rights and/or remedies available under law, nor will provisions of this Ordinance prohibit or restrict City or other appropriate prosecutor from pursuing criminal charges under state law and/or City ordinances.

10. Public Nuisance Declared. Operation of any business within City's incorporated limits in violation of this Ordinance is hereby declared a public nuisance and will be abated pursuant to all available remedies.

11. Examination of Books, Records, and Premises.

11.1 Examinations by Manager. To determine compliance with the requirements of this Ordinance, Oregon law, all land use/development, building, and fire codes, and/or all other federal, state, and local laws, regulations, and ordinances, including, without limitation, those directly or indirectly relating to marijuana, including the payment of all fines, fees, and taxes owing to City, the manager may examine or cause to be examined by an agent or representative designated by the manager, at any reasonable time, the premises of the business, including wastewater from the business, and any and all financial, operational, and other information or documentation, including books, papers, payroll reports, and state and federal income tax returns. Every company principal is directed and required to furnish to the manager the means, facilities, and opportunity for making such examinations and investigations.

11.2 Criminal Investigations. As part of the investigation of a crime or violation of this Ordinance that law enforcement officials reasonably suspect has taken place on the business premises, the John Day Police Department will be allowed to view surveillance videotapes or digital recordings relating to the business at any reasonable time.

11.3 Access. Without reducing or waiving any provisions of this Ordinance, the John Day Police Department will have the same access to the business, business records, and business operations as allowed to state inspectors. Denial or interference with such access will be grounds for revocation or suspension of a permit.

12. Repeal. This Ordinance amends, replaces, and/or supersedes Ordinance No. 15-163-01 and all ordinances, resolutions, and/or policies in conflict with this Ordinance.

13. Severability; Corrections. All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. Any reference to a particular law, statute, rule, regulation, code, or ordinance includes the law, statute, rule,

regulation, code, or ordinance as now in force and hereafter amended. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the Council to cure editorial and/or clerical errors. Nothing in this Ordinance affects the validity of any criminal or civil enforcement actions commenced prior to the adoption of this Ordinance; all City ordinances and codes existing at the time that such actions were filed will remain valid and in full force and effect for purposes of those actions. City staff and/or its designee may renumber, format, and make all other edits necessary to codify this Ordinance into the Code.

This Ordinance was PASSED and ADOPTED by the John Day City Council by a vote of \_\_\_ for and \_\_\_ against and APPROVED by the mayor on this \_\_\_th day of \_\_\_\_\_, 2021.

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Ron Lundbom, Mayor

ATTEST:

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Nicholas Green, City Manager