

ORDINANCE NO. 21-197-08

AN ORDINANCE OF CITY OF JOHN DAY REPEALING ORDINANCE NO. 15-164-02, WHICH BANNED MARIJUANA ESTABLISHMENTS IN THE CITY.

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 22, 2014, City adopted Ordinance No. 14-161-02 (the “Moratorium Ordinance”), pursuant to which City imposed a moratorium on medical marijuana facilities in City’s jurisdiction; and

WHEREAS, pursuant to the terms of the Moratorium Ordinance, the moratorium expired on or about May 1, 2015; 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, City desires to repeal the ban and, by adoption of a separate ordinance, adopt reasonable regulations governing marijuana operations in City.

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

1. Findings; Purpose. The above-stated findings are hereby adopted. The purpose of this Ordinance No. 21-197-08 (this “Ordinance”) is to repeal Ordinance No. 15-164-02.
2. Repeal. This Ordinance repeals Ordinance No. 15-164-02 and all ordinances, resolutions, and/or policies in conflict with this Ordinance. Without otherwise limiting the generality of the immediately preceding sentence, Ordinance 15-164-02 will be of no further force and effect.
3. 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.

Ron Lundbom, Mayor

ATTEST:

Nicholas Green, City Manager