

**ORDINANCE AMENDING KLAMATH FALLS CODE SECTIONS 7.250 TO 7.255,
7.270, AND 5.237 REGARDING MARIJUANA FACILITIES AND SALES**

WHEREAS, a majority of the citizens of the City voted in favor of Measure 18-112 which repeals the City's prohibition on the sale of recreational marijuana;

WHEREAS, pursuant to ORS 475B.486 and ORS 475B.928, the City may impose reasonable regulations pertaining to the location of marijuana facilities as well as the manner and time of the operation of marijuana facilities;

WHEREAS, the City desires to adopt interim regulations necessary to regulate the location of medical and recreational marijuana facilities until such time as an advisory committee can recommend permanent regulations;

WHEREAS, the City desires to declare those marijuana facilities that violate ordinances relating to locations or providing delivery of marijuana as a nuisance;

WHEREAS, the City desires to prohibit the use of marijuana at marijuana facilities and to impose a penalty of a fine not to exceed \$250 or imprisonment for a period not to exceed 6 months for violations;

WHEREAS, an advisory committee shall be established to provide recommendations to the City Council regarding policies and regulations concerning the marijuana industry and these regulations are interim and necessary to assure an orderly start up; and

NOW THEREFORE THE CITY OF KLAMATH FALLS HEREBY ORDAINS AS FOLLOWS:

Section 1

Sections 7.250 to 7.255 AND 7.270 of the Klamath Falls City Code shall be amended to read:

Marijuana Facilities

7.250 Locations of Marijuana Facilities

- (1) A marijuana facility shall be located more than:
 - (a) 400 feet from any residential zone; and
 - (b) 1000 feet from the real property comprising a public or private college, junior college or university, public or private elementary, secondary or career school attended primarily by minors, public library, public park, recreation center or facility, child care facility as defined by ORS 329A.250, public transit center or any game arcade where admission is not restricted to persons aged 21 years or older.
- (2) The distance shall be measured in a straight line from the closest edge of each property line.
- (3) Marijuana facility shall be at least 1000 feet from another marijuana facility.
- (4) Marijuana facilities shall only be developed in accordance with the provisions of the Community Development Ordinance, Chapters 10 through 14.

7.252 Definitions

"Marijuana facility" means retail, production, processing, wholesaling, or other facility licensed under the state marijuana laws.

7.253 Marijuana Processing Restrictions

In addition to the state laws and regulations for marijuana processing:

- (1) No person may process or store marijuana products or concentrates in an area that can be readily seen by normal unaided vision from a public place.
- (2) Marijuana processing facilities must:
 - (a) Install and operate security systems intended to deter theft and other crimes.
 - (b) Limit access to regulatory agencies, licensed individuals and their employees.
 - (c) Located at least 1000 feet from another marijuana processor.

7.255 Marijuana-Infused Products

- (1) A marijuana facility may not transfer any marijuana-infused product that is meant to be swallowed or inhaled, unless the product is packaged in child-resistant safety packaging.
- (2) A marijuana facility may not transfer any marijuana-infused product that is manufactured or packaged in a manner that is attractive to minors.

7.270 Public Nuisance Declared

Operation of any marijuana facility within the City in violation of the provisions of the City Code is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

Section 2

Section 5.237 of the Klamath Falls City Code shall be amended to read:

5.237 Use of Marijuana at Marijuana Facilities

A person may not smoke, ingest, or otherwise use marijuana at marijuana facilities.

Passed by the Council of the City of Klamath Falls this _____ of December, 2018.

Presented to the Mayor, approved and signed this _____ of December, 2018.

Mayor

ATTEST:

City Recorder

STATE OF OREGON }
COUNTY OF KLAMATH }ss.
CITY OF KLAMATH FALLS }

I, _____, Recorder for the City of Klamath Falls, Oregon, do hereby verify that the foregoing is a true and correct copy of an Ordinance duly adopted by the Council of the City of Klamath Falls, Oregon at the meeting on the 3rd day of December 2018 and therefore approved and signed by the Mayor and attested by the City Recorder.

City Recorder