

ORDINANCE No. 187611

*Amend regulations for marijuana retailers and medical dispensaries to prohibit marijuana sales at drive-thru or walk up windows (Ordinance; amend Code Section 14B.130.080)

The City of Portland ordains:

Section 1. The Council finds:

1. In November, 2014, the City Council initiated the Portland Marijuana Policy Program in the Office of Neighborhood Involvement (ONI) to manage complaints, community expectations, and respond with authorized enforcement mechanisms as appropriate.
2. On September 30, 2015, the Council adopted Portland City Code Chapter 14B.130 to add license procedures and requirements for marijuana businesses. The definition of Marijuana Businesses licensed and regulated under Chapter 14B.130 includes Medical Dispensaries, Marijuana Retailers, Marijuana Producers, Marijuana Processors, and Marijuana Wholesalers.
3. Portland City Code 14B.130 does not currently explicitly address the sale of marijuana or marijuana items from drive-thru or walk up windows. However, the Code provisions regulating the sale of marijuana address such aspects as restricted entry onto licensed premises, sales upon licensed premises, and prohibitions upon vendor carts, temporary structures or locations other than the licensed premises. Conducting transactions outside the licensed premises does not comport with the intent of the Code regarding a secure, enclosed business environment for the operations of Marijuana Dispensaries and Retailers.
4. While the Oregon Liquor Control Commission has adopted administrative rules restricting drive-thru facilities, the Oregon Health Authority's administrative rules do not. Staff recommends amending Chapter 14B.130 to explicitly prohibit drive-thru facilities or walk up windows at Marijuana Businesses.

NOW, THEREFORE, the Council directs:

- a. Section 14B.130.080 (B)(3) of Portland City Code, is amended to read as follows:
 3. Licensee must not make marijuana or marijuana items available for sale from a vendor cart, temporary structure, or satellite location-, or through exterior openings of the licensed premises, such as drive-thru facilities or walk up windows.

Section 2. The Council declares an emergency exists because Medical Dispensaries are currently operating, and it is necessary to have clear local regulations in place to protect the public health and safety; therefore this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council:

MAR 02 2016

Commissioner Amanda Fritz

Prepared by: Theresa Marchetti

Date Prepared: February 22, 2016

Mary Hull Caballero

Auditor of the City of Portland

By *Gayla Jennings*

Deputy

* Amend regulations for marijuana retailers and medical dispensaries to ~~include~~ prohibit marijuana sales at drive-thru or walk up windows. (Ordinance; amend Section 14B.130.080 (B)(3))

Code

INTRODUCED BY Commissioner/Auditor: Amanda Fritz	CLERK USE: DATE FILED FEB 23 2016
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz <i>Amanda Fritz</i> Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	Mary Hull Caballero Auditor of the City of Portland By: <i>Mary Hull Caballero</i> Deputy ACTION TAKEN:
BUREAU APPROVAL Bureau: Office of Neighborhood Involvement Bureau Head: Amalia Alarcon de Morris <i>Amalia Alarcon de Morris</i> Prepared by: Theresa Marchetti Date Prepared: 2-22-16 Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances <i>Toni</i>	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>GF</i>	
Council Meeting Date 3-2-16	

AGENDA
TIME CERTAIN Start time: Total amount of time needed: (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" type="checkbox"/>
Total amount of time needed: 15 min (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	<input checked="" type="checkbox"/>	
4. Novick	<input checked="" type="checkbox"/>	
Hales	<input checked="" type="checkbox"/>	