

**CITY OF DUNES CITY
LANE COUNTY, OREGON
ORDINANCE NO. 266**

AN ORDINANCE DECLARING A BAN ON PSILOCYBIN SERVICE CENTERS AND THE MANUFACTURE OF PSILOCYBIN PRODUCTS WITHIN THE DUNES CITY LIMITS AND REFERRING THE MATTER TO A VOTE OF THE PEOPLE AT THE NEXT GENERAL ELECTION TO BE HELD NOVEMBER 8, 2022.

WHEREAS, in November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act (codified at ORS 475A), which allows for the manufacture, delivery and administration of psilocybin at licensed facilities; and

WHEREAS, ORS 475A.235 provides that the Oregon Health Authority regulate the manufacturing, transportation, delivery, sale and purchase of psilocybin products and the provision of psilocybin services in the state; and

WHEREAS, the Oregon Health Authority has initiated a rulemaking process to implement the state's psilocybin regulatory program and intends to begin accepting applications for psilocybin-related licenses on January 2, 2023; and

WHEREAS, as of June 29, 2022, the Oregon Health Authority has not completed the rulemaking process for implementing the state's psilocybin regulatory program, and the City of Dunes City is uncertain how the manufacture, delivery and administration of psilocybin at licensed psilocybin facilities will operate within the city; and

WHEREAS, the Dunes City Council believes prohibiting psilocybin product manufacturers and psilocybin service centers within the city's jurisdictional boundaries to enable the adoption of the state's psilocybin licensing and regulatory program and to allow the city to adopt reasonable time, place, and manner regulations on the operation of psilocybin facilities is in the best interest of the health, safety and welfare of the people of Dunes City; and

WHEREAS, the City Council seeks to refer to the voters of Dunes City the question of whether to establish a ban on state-licensed psilocybin product manufacturers and psilocybin service centers within the city's jurisdictional boundaries.

NOW, THEREFORE, THE CITY OF DUNES CITY ORDAINS AS FOLLOWS:

Section 1. PROHIBITION

The establishment of psilocybin product manufacturers licensed under ORS 275A.290 and psilocybin service centers licensed under ORS 475A.305 is prohibited in the City of Dunes City.

Section 2. REFERRAL

This ordinance is referred to the electors of the City of Dunes City for approval at the next statewide general election on November 8, 2022.

Section 3. EFFECTIVE DATE

This Ordinance takes effect and becomes operative 30 days after the day on which it is approved by a majority of voters.

Section 4. SEVERABILITY CLAUSE.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and that holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. CAPTIONS. The captions to sections throughout this Ordinance are intended solely to facilitate reading and reference to the sections and provisions contained herein. Such captions shall not affect the meaning or interpretation of this Ordinance.

Section 6. SCRIVENER'S ERRORS. Any scrivener's errors in this Ordinance may be corrected by Resolution of the City Council.

First reading performed in a regular meeting of the City Council of Dunes City, Oregon, on the 20th day of July, 2022.

Passed at the second reading and placed on final passage, and adopted by the City Council of Dunes City, Oregon, on this 20th day of July, 2022.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 1

DATED THIS 20th DAY OF July, 2022.

Sheldon Meyer
SHELDON MEYER, MAYOR

ATTEST:

Jamie Mills
JAMIE MILLS, CITY RECORDER