

ORDINANCE NO. 377-2022

AN ORDINANCE OF THE CITY OF HUBBARD DECLARING A TEMPORARY BAN ON PSILOCYBIN SERVICE CENTERS AND THE MANUFACTURE OF PSILOCYBIN PRODUCTS

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 will 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 the date of this ordinance, the Oregon Health Authority has not completed the rulemaking process for implementing the state's psilocybin regulatory program, and the City of Hubbard, is uncertain how the manufacture, delivery and administration of psilocybin at licensed psilocybin facilities will operate with the city; and

WHEREAS, ORS 475A.718 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of state licensed psilocybin product manufacturers and/or psilocybin service centers in the area subject to the jurisdiction of the city; and

WHEREAS, the Hubbard City Council believes it is in the best interest of the health, safety and welfare of the people of Hubbard to prohibit 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; and

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

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

Section 1. Chapter 8.30 is hereby added to the Hubbard Municipal Code to read as follows:

8.30.010 PROHIBITION.

No person, business or entity may establish a psilocybin facility within city limits. The establishment, maintenance, or operation of a psilocybin facility by a person, business or any other entity within the city in violation of this chapter is declared to be a public nuisance.

8.30.020 DEFINITIONS

For the purposes of this chapter, a “psilocybin facility” includes:

- A. a psilocybin product manufacturer required to have a license under ORS 475A.290; and
- B. a psilocybin service center required to have a license under ORS 475A.305.

8.30.030 VIOLATIONS AND ENFORCEMENT

- A. The establishment, maintenance or operation of a psilocybin facility by a person, business or any other entity within the city in violation of the requirements of this chapter will be subject to any and all enforcement remedies available to the city under law and/or the Hubbard Municipal Code including but not limited to enforcement pursuant to Chapter 8.15 of the Hubbard Municipal Code and/or the filing of an appropriate action and pursuit of an appropriate remedy in a court of competent jurisdiction.
- B. The city may abate a nuisance under this chapter either pursuant to Chapter 8.15 of the Hubbard Municipal Code or it may pursue any other remedies available to it, including but not limited to an action seeking declaratory relief and/or injunctive relief.
- C. If the city brings an action in either law or equity in any of the courts of this state (including the U.S. District Court for the District of Oregon) other than its municipal court for the enforcement of this Chapter, the city shall be entitled to the award of its reasonable attorney fees in the event it is the prevailing party

Section 2. REFERRAL

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

Section 3. EFFECTIVE DATE

This ordinance takes effect and becomes operative thirty (30) days after the date of which it is approved by a majority of the voters in the City of Hubbard.

Section 4. SUNSET

Chapter 8.30 of the Hubbard Municipal Code is automatically repealed on December 31, 2024.

The foregoing Ordinance was passed by the City Council of the City of Hubbard this ____ day of _____, 2022, by the following vote:

Ayes	_____
Nays	_____
Absent	_____

Whereupon, the Mayor declared the motion to be carried and the Ordinance adopted.

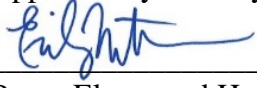
Passed and approved by the City Council of the City of Hubbard this ____ day of _____, 2022.

Charles Rostocil, Mayor

ATTEST:

Vickie L. Nogle, MMC
Director of Administration/City Recorder

Approved by the City Attorney:



Beery Elsner and Hammond LLP