

ORDINANCE NO. 892

AN ORDINANCE OF TOWN OF LAKEVIEW REPEALING ORDINANCE NO. 889, WHICH ORDINANCE DECLARED A TEMPORARY BAN ON PSILOCYBIN-RELATED BUSINESSES IN THE TOWN, INCLUDING PSILOCYBIN PRODUCT MANUFACTURERS AND SERVICE CENTER OPERATORS.

WHEREAS, Town of Lakeview ("Town"), an Oregon municipal corporation, has all the powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant or allow Town; and

WHEREAS, on July 26, 2022, Town's Town Council (the "Council") adopted Ordinance No. 889. Among other things, Ordinance No. 889 declared Town's intent to (a) temporarily prohibit (i.e., ban) operation and/or establishment of psilocybin-related businesses within Town's incorporated limits for a period of two years, subject to voter approval, (b) enable adoption of the state's psilocybin licensing and regulatory program, and (c) allow Town time to consider reasonable time, place, and manner regulations concerning operation of psilocybin facilities to protect the health, safety, and welfare of Town residents; and

WHEREAS, on July 26, 2022, the Council also adopted Ordinance No. 888, which ordinance declares a permanent prohibition (i.e., ban) on the establishment and/or operation of psilocybin-related businesses within Town's incorporated limits; and

WHEREAS, the Council's adoption of Ordinance No. 889 was in error; the Council desires only to declare a permanent prohibition on psilocybin-related business within Town's incorporated limits; and

WHEREAS, due to the error, the Council has determined it necessary to repeal Ordinance No. 889 in its entirety.

NOW, THEREFORE, the Town of Lakeview ordains as follows:

1. **Findings.** The above-stated findings contained in this Ordinance No. 892 (this "Ordinance") are hereby adopted.
2. **Repeal.** Ordinance No. 889, an ordinance declaring Town's intent to (a) temporarily prohibit (i.e., ban) operation and/or establishment of psilocybin-related businesses within Town's incorporated limits for a period of two years, subject to voter approval, (b) enable adoption of the state's psilocybin licensing and regulatory program, and (c) allow Town time to consider reasonable time, place, and manner regulations concerning operation of psilocybin facilities to protect the health, safety, and welfare of Town residents is hereby repealed in its entirety and of no further force and effect.
3. **Miscellaneous.** 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. The provisions of this Ordinance are hereby declared severable. 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.

This Ordinance was PASSED and ADOPTED by the Town Council by a vote of 3 for and 0 against and APPROVED by the mayor on this 23 day of August, 2022.


Sandra Wenzel, Council President

ATTEST:


Dawn Lepori, Town Recorder