

RESOLUTION NO. 1137

**A RESOLUTION OF TOWN OF LAKEVIEW REPEALING RESOLUTION 1135, WHICH RESOLUTION APPROVED REFERRAL TO TOWN'S ELECTORS THE QUESTION OF 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") approved and adopted Resolution No. 1135, which resolution approved referral to Town's electors the question of a temporary ban on psilocybin-related businesses in the Town, including psilocybin product manufacturers and service center operators (along with the associated ballot title and explanatory statement); and

WHEREAS, on July 26, 2022, the Council also adopted Resolution No. 1134, which resolution approved referral to Town's electors the question of 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 and approval of Resolution No. 1135 was in error; the Council desires only to refer 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 Resolution No. 1135 in its entirety.


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

1. Findings. The above-stated findings contained in this Resolution No. 1137 (this "Resolution") are hereby adopted.
2. Repeal. Resolution No 1135 is hereby repealed in its entirety and of no further force and effect.
3. Miscellaneous. All pronouns contained in this Resolution 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 Resolution are hereby declared severable. If any section, subsection, sentence, clause, and/or portion of this Resolution 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 Resolution. This Resolution may be corrected by order of the Council to cure editorial and/or clerical errors.

APPROVED and ADOPTED by the Town Council and signed by the mayor on this 23 day of August, 2022.

  
Sandra Wenzel, Council President

ATTEST:

  
Dawn Lepori, Town Recorder