

CITY OF LYONS

ORDINANCE NO. B8-15

AN ORDINANCE OF THE CITY OF LYONS DECLARING A BAN ON MEDICAL MARIJUANA PROCESSING SITES, MEDICAL MARIJUANA DISPENSARIES, RECREATIONAL MARIJUANA PRODUCERS, RECREATIONAL MARIJUANA PROCESSORS, RECREATIONAL MARIJUANA WHOLESALERS, AND/OR RECREATIONAL MARIJUANA RETAILERS; REFERRING ORDINANCE; AND DECLARING AN EMERGENCY

Whereas, the Oregon Medical Marijuana Act, as amended by House Bill 3400 (2015) provides that the Oregon Health Authority will register medical marijuana processing sites and medical marijuana dispensaries;

Whereas, Measure 91, which the voters adopted in November 2014, directs the Oregon Liquor Control Commission to license the production, processing, wholesale, and retail sale of recreational marijuana;

Whereas, section 134 of HB 3400 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of certain state-registered and state-licensed marijuana businesses in the area subject to the jurisdiction of the city;

Whereas, the city council wants to refer the question of whether to prohibit recreational marijuana producers, processors, wholesalers, and/or retailers, as well as medical marijuana processors and/or medical marijuana dispensaries to the voters of the City of Lyons;

NOW THEREFORE, BASED ON THE FOREGOING, THE CITY OF LYONS ORDAINS AS FOLLOWS:

SECTION 1 – DEFINITIONS

A. Marijuana means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

B. Marijuana processing site means an entity registered with the Oregon Health Authority to process marijuana.

C. Marijuana processor means an entity licensed by the Oregon Liquor Control Commission to process marijuana.

D. Marijuana producer means an entity licensed by the Oregon Liquor Control Commission to manufacturer, plant, cultivate, grow or harvest marijuana.

E. Marijuana retailer means an entity licensed by the Oregon Liquor Control Commission to sell marijuana items to a consumer in this state.

F. Marijuana wholesaler means an entity licensed by the Oregon Liquor Control Commission to purchase items in this state for resale to a person other than a consumer.

G. Medical marijuana dispensary means an entity registered with the Oregon Health Authority to transfer marijuana.

SECTION 2 – BAN DECLARED

As described in section 134 of House Bill 3400 (2015), the City of Lyons hereby prohibits the establishment of the following in the area subject to the jurisdiction of the City:

- A. Marijuana processing sites;
- B. Medical marijuana dispensaries;
- C. Marijuana producers;
- D. Marijuana processors;
- E. Marijuana wholesalers; and
- F. Marijuana retailers.

SECTION 3 – EXCEPTION

The prohibition set out in this ordinance does not apply to a marijuana processing site or medical marijuana dispensary that meets the conditions set out in subsections 6 or 7 of section 134, section 136, or section 137 of House Bill 3400 (2015).

SECTION 4 – REFERRAL

This ordinance shall be referred to the electors of the City of Lyons at the next statewide general election on Tuesday, November 8, 2016.

SECTION 5 – EMERGENCY

This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance shall be in full force and effect immediately on its passage.

APPROVED this ____ day of _____, 2015, by the City Council of the City of Lyons, Linn County, Oregon.

COPY

MAYOR

ATTEST:

COPY

CITY RECORDER