

BEFORE THE BOARD OF COMMISSIONERS

FOR MARION COUNTY, OREGON

An ordinance prohibiting the)
establishment of marijuana)
businesses in the unincorporated area)
of Marion County, referring the)
ordinance to the electors of Marion)
County, and declaring an emergency.)

ORDINANCE NO. 1358

THE MARION COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

SECTION 1. PURPOSE

The purpose of this ordinance is to prohibit marijuana processing sites, medical marijuana dispensaries (except those holding a current Marion County medical marijuana dispensary ban exemption permit), marijuana producers, marijuana processors, marijuana wholesalers, and marijuana retailers in the unincorporated area of Marion County, pursuant to section 134, chapter 614, Oregon Laws 2015 (HB 3400 (2015)).

SECTION 2. DEFINITIONS

- A. "Marijuana," "marijuana producer," "marijuana processor," "marijuana wholesaler," and "marijuana retailer," for purposes of this ordinance, are defined in section 1, chapter 614, Oregon Laws 2015 (HB 3400 (2015)).
- B. "Marijuana processing site" means a processing site for medical marijuana registered under section 85, chapter 614, Oregon Laws 2015 (HB 3400 (2015)).

SECTION 3. PROHIBITION OF MARIJUANA BUSINESSES

In accordance with section 134, chapter 614, Oregon Laws 2015 (HB 3400 (2015)), the following are prohibited in the unincorporated area of Marion County:

- A. Marijuana processing sites registered under section 85, chapter 614, Oregon Laws 2015 (HB 3400 (2015)).

- B. Medical marijuana dispensaries registered with the Oregon Health Authority under ORS 475.314, except for entities holding a current Marion County medical marijuana dispensary ban exemption permit pursuant to chapter 5.25 of the Marion County Code issued on or before the effective date of this ordinance.
- C. Marijuana producers licensed under section 19, chapter 1, Oregon Laws 2015 (Measure 91).
- D. Marijuana processors licensed under section 20, chapter 1, Oregon Laws 2015 (Measure 91).
- E. Marijuana wholesalers licensed under section 21, chapter 1, Oregon Laws 2015 (Measure 91).
- F. Marijuana retailers licensed under section 22, chapter 1, Oregon Laws 2015 (Measure 91).

SECTION 4. REFERRAL FOR ELECTION

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

SECTION 5. COPY OF ORDINANCE TO OHA AND OLCC

The text of this ordinance shall be provided:

- A. To the Oregon Health Authority, in the form and manner prescribed by the authority; and
- B. To the Oregon Liquor Control Commission, in the form and manner prescribed by the commission.

SECTION 6. NO EFFECT ON PERSONAL USE PROVISIONS

This ordinance does not affect the provisions regarding personal use of recreational marijuana found in Chapter 1, Oregon Laws 2015 (Measure 91) and chapter 614, Oregon Laws 2015 (HB 3400 (2015)), or the use or growing of medical marijuana under the Oregon Medical Marijuana Program.

SECTION 7. NO EFFECT ON AUTHORITY OF CITIES

This ordinance does not affect the rights or authority of cities to prohibit or regulate marijuana businesses pursuant to chapter 614, Oregon Laws 2015 (HB 3400 (2015)).

SECTION 8. SEVERABILITY


Should any section or portion of this ordinance be held unlawful or unenforceable by any court of competent jurisdiction, that decision shall apply only to the specific section, or portion thereof, directly specified in the decision. All other sections or portions of this ordinance shall remain in full force and effect.

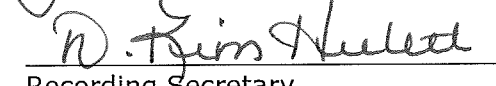
SECTION 9. DECLARATION OF EMERGENCY

This ordinance being necessary for the preservation of the health, safety, and welfare of the community, an emergency is declared to exist and this ordinance will take effect immediately.

Adopted this 23rd day of September 2015.

MARION COUNTY BOARD OF COMMISSIONERS


Chair


Recording Secretary



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: September 23, 2015

Department: Board of Commissioners Agenda Planning Date: 9/17/15 Time required: 15 min.

Audio/Visual aids

Contact: Scott Norris, Legal Counsel Phone: ext. 5690

Department Head Signature: [Signature]

Table with 2 columns: Label (TITLE, Issue, Description & Background, Financial Impacts, etc.) and Content (Consideration of ordinance prohibiting marijuana businesses, Section 134, chapter 614, Oregon Laws 2015, etc.)

Copies of completed paperwork sent to the following: (Include names and e-mail addresses.)

Scott Norris, Legal Counsel snorris@co.marion.or.us