

# TITLE 5

## PUBLIC PEACE, HEALTH, SAFETY, AND WELFARE

### SUBTITLE 4 - DRUGS AND ALCOHOL

#### CHAPTER 571A

#### RECREATIONAL MARIJUANA FACILITIES CODE

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#### **571A.001 Title**

This Chapter, LCC 571A.001 to 571A.999, shall be known and may be cited as the "Linn County Recreational Marijuana Facilities Code" or simply as the "Recreational Marijuana Facilities Code."

[Adopted 15-379 §1 11/3/15]

#### **571A.002 Statement of purpose**

(A) Section 134, Chapter 614, Oregon Laws 2015 (Enrolled House Bill 3400) provides that a county may adopt ordinances that prohibit the establishment of any one or more of the six

categories of State licensed or registered marijuana businesses in the unincorporated area subject to the jurisdiction of the county, subject to a requirement that the ordinance be referred to the electors of the county at the next general election.

(B) *To ensure that the voice of the people of Linn County is heard on the matter*, the Linn County Board of Commissioners desires to refer the question of whether to allow the operation of retail marijuana producers, retail marijuana processors, retail marijuana wholesalers, and retail marijuana retailers to the voters of Linn County.

[Adopted 15-379 §1 11/3/15]

#### **571A.100 Definitions**

(A) "**Marijuana**" has the meaning given in Section 1, Chapter 614, Oregon Laws 2015 (HB 3400 (2015)).

(B) "**Marijuana producer**" has the meaning given in Section 1, Chapter 614, Oregon Laws 2015 (HB 3400 (2015)).

(C) "**Marijuana processor**" has the meaning given in Section 1, Chapter 614, Oregon Laws 2015 (HB 3400 (2015)).

(D) "**Marijuana wholesaler**" has the meaning given in Section 1, Chapter 614, Oregon Laws 2015 (HB 3400 (2015)).

(E) "**Marijuana retailer**" has the meaning given in Section 1, Chapter 614, Oregon Laws 2015 (HB 3400 (2015)).

[Adopted 15-379 §1 11/3/15]

#### **571A.200 Referral to electors of Linn County**

The ordinance adopting this Code, Ordinance No. 2015-379, shall be referred to the electors of Linn County at the next general election, Tuesday November 8, 2016.

[Adopted 15-379 §1 11/3/15]

**571A.300 Prohibition of recreational marijuana facilities in the unincorporated area of Linn County**

In accordance with Section 134, Chapter 614, Oregon Laws 2015 (Enrolled House Bill 3400), the following are prohibited in the unincorporated area of Linn County:

(A) Marijuana producers licensed under Section 19, Chapter 1, Oregon Laws 2015 (Measure 91).

(B) Marijuana processors licensed under Section 20, Chapter 1, Oregon Laws 2015 (Measure 91).

(C) Marijuana wholesalers licensed under Section 21, Chapter 1, Oregon Laws 2015 (Measure 91).

(D) Marijuana retailers licensed under Section 22, Chapter 1, Oregon Laws 2015 (Measure 91).

[Adopted 15-379 §1 11/3/15]

**571A.400 No effect on personal use provisions**

The provisions of this Chapter do not effect 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.

[Adopted 15-379 §1 11/3/15]

**571A.500 Notice to the Oregon Liquor Control Commission**

The text of this Code and enacting ordinance shall be provided to the Oregon Liquor Control Commission.

[Adopted 15-379 §1 11/3/15]

**Statutory References and Other Authorities:**

ORS 203; HB 3400 (2015)

Section 134, Chapter 614, Oregon Laws 2015 (Enrolled House Bill 3400) provides that if a governing body of a county adopts an ordinance under the section, and provides a copy of the ordinance to the Oregon Liquor Control Commission, the Commission shall discontinue licensing premises which are prohibited by the

ordinance, until the date of the next statewide general election.

**Legislative History of Chapter 571A:**

Adopted 15-379 §1 11/3/15

Amendments to 15-379:

#1 none



