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BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR LINN COUNTY

IN THE MATTER OF AN ORDINANCE
ADOPTING THE LINN COUNTY
RECREATIONAL MARIJUANA FACILITIES
CODE, CODIFIED AT LINN COUNTY CODE
CHAPTER 571A, AND DECLARING AN
EMERGENCY

ORDINANCE
NO. 2015-379
(Adopting Code)

WHEREAS, On November 3, 2015, the Board conducted a regularly scheduled and duly advertized public meeting and reading, and considered the proposed Linn County Recreational Marijuana Facilities Code; and

WHEREAS, The Board having read the proposed ordinance; now, therefore,
The Linn County Board of Commissioners Ordains as Follows:

Section 1. Adoption. LCC Chapter 571A, as set forth in Exhibit 1, is adopted.

Section 2. Severability. Invalidity of a section or part of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections.

Section 3. Effective date. To protect the health, safety, and welfare of the citizens of Linn County, the Board hereby declares an emergency: This ordinance shall take effect November 3, 2015.

Section 4. Codification. Following adoption, this ordinance shall be codified pursuant to LCC Chapter 120.



1 Public reading held November 3, 2015.
2 Adopted and passed November 3, 2015.
3 The effective date of this Ordinance shall be November 3, 2015.
4 Signed November 3, 2015.

5 BOARD OF COUNTY COMMISSIONERS FOR
6 LINN COUNTY

7 VOTING

8 FOR AGAINST

9 Steve Druckenmiller,
10 County Clerk
11 Recording Secretary

12 Roger Nyquist, Chairman

13 By _____
14 Deputy

15 John K. Lindsey, Commissioner

DRAFT

16 William C. Tucker, Commissioner

17 APPROVED AS TO FORM:

18 _____
19 Eugene J. Karandy II
20 County Attorney for Linn County



TITLE 5

PUBLIC PEACE, HEALTH, SAFETY, AND WELFARE

SUBTITLE 4 - DRUGS AND ALCOHOL

CHAPTER 571A

RECREATIONAL MARIJUANA FACILITIES CODE

TABLE OF CONTENTS

Section Title

- 571A.001 Title**
571A.002 Statement of purpose
571A.100 Definitions
571A.200 Referral to electors of Linn County
571A.300 Prohibition of recreational marijuana facilities in the unincorporated area of Linn County
571A.400 No effect on personal use provisions
571A.500 Notice to the Oregon Liquor Control Commission

Statutory References and Other Authorities

Legislative History of Chapter 571A

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 eff 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 eff 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 eff 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 eff 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 eff 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 eff 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 eff 11/3/15]

Statutory References and Other Authorities:

ORS 203; HB 3400 (2015)

Legislative History of Chapter 571A:

Adopted 15-379 § effective 11/3/15

Amendments to 15-379:

#1 none