

A BILL FOR AN ORDINANCE AMENDING) ORDINANCE BILL NO. 2015-13
TITLE 5 OF THE LEBANON MUNICIPAL)
CODE, ESTABLISHING REGULATIONS) ORDINANCE NO. 2869
FOR MEDICAL MARIJUANA DISPENSARIES)

THE PEOPLE OF THE CITY OF LEBANON DO ORDAIN AS FOLLOWS:

Section 1. Title 5 of the Lebanon Municipal Code is hereby amended with the inclusion of the following new Chapter:

Chapter 5.22 – MEDICAL MARIJUANA DISPENSARIES

5.22.010 Statement of Purpose.

To protect the public health and safety from unlawful use and sale of marijuana. All medical marijuana dispensaries shall be registered in accordance with ORS Chapter 475 and the applicable Oregon Administrative Regulations (OAR). Registration by the Oregon Health Authority is not a guarantee that a dispensary is permitted to operate under applicable local municipal regulations. All dispensaries shall comply with the regulations set forth in the Lebanon Municipal Code.

These regulations set forth by the Lebanon Municipal Code provide reasonable regulations that supplement the Oregon Health Authority’s Medical Marijuana Program. These regulations are intended to address solely the issue of selling or dispensing medical marijuana. These regulations do not address and shall not be applied to any recreational or other use of marijuana that does not relate to the authorized use under Oregon’s existing Medical Marijuana Act.

5.22.020 Definitions.

The following words and phrases as used in sections 5.22.010 to 5.22.050 mean:

- A. Marijuana. As defined under ORS 475.005.
- B. Dispensary. A medical marijuana facility registered by the Oregon Health Authority under ORS 475.314.
- C. Cardholders. Persons authorized under Oregon’s Medical Marijuana Program to buy and transfer medical marijuana. This includes patients, designated primary caregivers, person responsible for a medical marijuana dispensary, and person responsible for a medical marijuana grow site.
- D. License. A license issued pursuant to Lebanon Municipal Code Section 5.22.030.

5.22.030 License Required.

- A. No person shall establish, maintain or operate a dispensary within the city unless a license for that use is obtained from the city. Every place or building where a dispensary is carried on, whether for profit or not, shall be deemed a dispensary subject to the provisions of Sections 5.22.010 to 5.22.050.

- B. No license will be issued without proof of registration to operate a dispensary issued by the State of Oregon.
- C. The City may deny a license if any owner, manager, operator, employee, agent, or volunteer:
 - 1. Has been convicted for the manufacture or delivery of a controlled substance in Schedule I or Schedule II within five years from the date the application for a license was received by the City; or
 - 2. Has been Convicted more than once for the manufacture or delivery of a controlled substance in Schedule I or Schedule II; or
 - 3. Is prohibited by a court from participating in the Oregon Medical Marijuana Program (OMMP).
- D. Application for a license must include the information necessary for background checks of a criminal record of the any owner, manager, operator, employee, agent, or volunteer. The City of Lebanon will conduct all necessary background checks.
- E. No license shall be issued until after a background check of the criminal record by the police department of the applicant and all individuals employed or volunteering with the dispensary.
- F. Once the dispensary is licensed, the licensee must notify the city and submit necessary information for background checks of a criminal record of any new owner, manager, operator, employee, agent, or volunteer.
- G. Each licensee shall be required to pay the applicable license fee as set by Resolution of the Common Council.
- H. The requirements of Sections 5.22.010 to 5.22.050 shall apply to the owners, managers, operators, employees, agents, and volunteers of the licensee's business.
- I. The Licenses authorized by the city shall be displayed in the window such that it is clearly visible from the nearest public right-of-way. The sign shall be no less than 8 inches by 11 inches in size.
- J. Dispensaries may only be located in those areas of the City whereby offices are an outright permitted use.

5.22.040 Prohibition of Operation in Proximity of Schools

It is unlawful to operate a medical marijuana dispensary as defined by ORS 475.314 within one thousand feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors.

5.22.050 Operational Requirements.

- A. Dispensaries must be located in accordance with ORS 475.314 and Section 5.22.030.J of this Chapter.

- B. Only cardholders shall be permitted on the premises of a dispensary and no minors shall be permitted on the premises.
- C. Labeling
 - 1. Prior to transferring usable marijuana, a label shall be affixed to the usable marijuana that includes but is not limited to:
 - a. The amount of THC and CBD in the usable marijuana;
 - b. If pre-packaged, the weight or volume of the packaged usable marijuana in metric units;
 - c. The amount of usable marijuana in a finished product in metric units;
 - d. Potency information; and
 - e. Who performed the testing.
 - 2. If the registered dispensary transfers usable marijuana in a form that is edible, a warning label shall be affixed on the outside of the packaging that includes the following: "WARNING: MEDICINAL PRODUCT — KEEP OUT OF REACH OF CHILDREN" in bold capital letters, in a font size that is larger than the type-size of the other printing on the label such that it is easy to read and prominently displayed on the product.
- D. Hours of Operation. No sale or other distribution of marijuana shall occur upon the premises or via delivery between 10:00 pm and 7:00 am.
- E. Giveaways. Dispensaries shall not distribute to consumers marijuana or marijuana-infused products free of charge.
- F. Consumption on Premises Prohibited. Consumption, ingestion, inhalation, or topical application of usable marijuana anywhere on the premises of the dispensary shall be prohibited; except as allowed under OAR 333-008-1200.

Passed by the Lebanon City Council and executed by the Mayor on this on this 9th day of December, 2015 by a vote of 3 yeas and 2 nays.

CITY OF LEBANON, OREGON

Bob Elliott

Paul R. Aziz, Mayor
 Bob Elliott, Council President

ATTESTED BY:

Linda Kaser
 Linda Kaser, City Clerk