

A BILL FOR AN ORDINANCE AMENDING)
TITLE 5 OF THE LEBANON MUNICIPAL CODE,)
ESTABLISHING REGULATIONS FOR)
RECREATIONAL MARIJUANA SALES AND)
PRODUCTION)
ORDINANCE BILL NO. 2017-2
ORDINANCE NO. 2890

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 5.18 – RECREATIONAL MARIJUANA PRODUCTION AND SALES

5.18.010 - Purpose

The purpose of this chapter is to:

- A. Protect the general health, safety, property, and welfare of the public;
- B. Balance the right of individuals to produce and access marijuana and marijuana derivatives consistent with state law, with the need to minimize adverse impacts to nearby properties that may result from the production, storage, distribution, sale, and/or use of marijuana and derivatives;
- C. Prevent or reduce criminal activity that may result in harm to persons or property;
- D. Prevent or reduce diversion of state-licensed marijuana and marijuana derivatives to minors; and
- E. Minimize impacts to the City’s public safety services by reducing calls for service.

5.18.020 - Definitions

The words and phrases have the following meanings:

- A. “Edible marijuana” means edible product that contains marijuana.
- B. “Marijuana” means all parts of the plant of the Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin, and includes both medical and recreational marijuana as defined by Oregon law.
- C. “Marijuana extract” means a product obtained by separating resins from the marijuana plant by solvent extraction.

- D. "Marijuana facility" means a commercial or public use or structure where marijuana is produced, processed, wholesaled, retailed, distributed, transferred, sold or consumed and registered with the Oregon Health Authority (OHA) or the Oregon Liquor Control Commission (OLCC).

5.18.030 – Relationship to Other Standards

- A. The provisions of this Chapter apply to all marijuana facilities requiring a state license or registration.
- B. The regulations in this Chapter are in addition to other development code standards, including all base zone standards. Sites with overlay zones, plan districts, inventoried hazards, and/or sensitive lands are subject to additional regulations. Specific uses or development types may also be subject to regulations set forth elsewhere in the Lebanon Development Code.
- C. To the extent there is a conflict between other provisions in the Lebanon Development Code and the provisions of this Chapter, the provisions in this Chapter apply.

5.18.040 – Planning Districts Where Marijuana Facilities Permitted

Marijuana facilities are permitted in the following planning districts and subject to the other provisions of this Chapter:

- A. Retail sales shall be limited to the Highway Commercial (Z-HC) zone and Central Business Commercial (Z-CCM) zone.
- B. The production, processing, wholesaling, and distribution shall be limited to the Industrial (Z-IND) zone.

5.18.050 – Standards for Marijuana Facilities

- A. All Marijuana facilities must comply with all applicable State requirements.
- B. A marijuana facility cannot be located within 1,000-feet, measured from the closest property line, of the real property comprising a public or private elementary, secondary or career school attended primarily by minors.
- C. A marijuana facility cannot be located within 250-feet, measured from the closest property line, of the real property comprising a public park.
- D. A marijuana facility cannot be located within 1,000 feet, measured from the closest property line, of any other marijuana facility.
- E. A marijuana facility must be located in a permanent building and may not be located in a trailer, shipping container, cargo container, tent, motor vehicle, or other non-

permanent structure; and, may not be operated as a home occupation regardless of zone.

- F. Walk-up and drive-through marijuana facilities are prohibited.

5.18.60 – Operating Restrictions for Marijuana Facilities with Retail Sales

Such facilities shall be subject to the following limitations:

- A. Sales shall be limited to the hours of 10:00 a.m. and 8:00 p.m. of the same day.
- B. The facility shall not distribute marijuana or marijuana-infused products free of charge.
- C. Consumption, ingestion, inhalation, or topical application of usable marijuana anywhere on the premises of the dispensary shall be prohibited.

5.18.070 - Operating Restrictions for Marijuana Facilities Involving Production, Processing, Wholesaling, and Distribution

Such facilities shall be subject to the following limitations:

- A. Comply with the restrictions on edible marijuana as provided in Section 5.18.080.
- B. All marijuana odors and other objectionable odors must be confined to levels undetectable at the property line.
- C. Outdoor storage of merchandise, plants, or other materials is prohibited.

5.18.080 – Edible Marijuana

Marijuana facilities that produce, process, wholesale, distribute, transfer, or sell edible marijuana must comply with the following provisions:

- A. All edible marijuana must be individually wrapped at the original point of preparation.
- B. Labeling must be distinctly and clearly legible on the front of the package and must include:
 - 1. a warning that the contents contain marijuana;
 - 2. a statement that the contents are not a food product; and
 - 3. a statement emphasizing that the product is to be kept away from children.
- C. Packaging of edibles must be in child-resistant packaging.
- D. Packaging that makes the product attractive to children or imitates candy is prohibited.

- E. Retail sale of edible marijuana products must be behind a commercial counter or in an enclosed display case.

Section 2. Because the regulation of marijuana and marijuana facilities within the city is necessary for the peace, health and safety of the people of the city of Lebanon, an emergency is declared to exist, and this ordinance is effective upon its passage by the City Council.

Passed by the Lebanon City Council and executed by the Mayor on this 11th day of January, 2017 by a vote of 4 yeas and 2 nays.

CITY OF LEBANON, OREGON



Paul R. Aziz, Mayor
Bob Elliott, Council President

ATTESTED BY:


Linda Kaser, City Clerk