

## ORDINANCE NO. 852

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCAPPOOSE, OREGON, DECLARING A BAN ON MEDICAL MARIJUANA PROCESSING SITES, MARIJUANA PRODUCERS, MARIJUANA PROCESSORS, MARIJUANA WHOLESALERS, AND MARIJUANA RETAILERS; REFERRING ORDINANCE

**WHEREAS**, the Oregon Medical Marijuana Act, as amended by House Bill 3400 (2015) provides that the Oregon Health Authority will register medical marijuana processing sites and medical marijuana dispensaries;

**WHEREAS**, Measure 91, adopted by the voters in November 2014, directs the Oregon Liquor Control Commission to license the production, processing, wholesale, and retail sale of recreational marijuana;

**WHEREAS**, Section 134 of HB 3400 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of certain state-registered and state-licensed marijuana businesses in the area subject to the jurisdiction of the city;

**WHEREAS**, the Scappoose City Council wishes to refer the question of whether to prohibit medical marijuana processing sites, marijuana producers, marijuana processors, marijuana wholesalers, and marijuana retailers to the voters of Scappoose.

#### **NOW, THEREFORE, THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:**

##### Section 1: Definitions

Marijuana means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

Marijuana processor means an entity licensed by the Oregon Liquor Control Commission to process marijuana.

Marijuana producer means an entity licensed by the Oregon Liquor Control Commission to manufacture, plant, cultivate, grow or harvest marijuana.

Marijuana retailer means an entity licensed by the Oregon Liquor Control Commission to sell marijuana items to a consumer in this state.

Marijuana wholesaler means an entity licensed by the Oregon Liquor Control Commission to purchase items in this state for resale to a person other than a consumer.

Medical marijuana processing site means an entity registered with the Oregon Health Authority to process medical marijuana.

Section 2: Ban Declared

As described in Section 134 of HB 3400 (2015), the City of Scappoose hereby prohibits the establishment of the following facilities in the area subject to the jurisdiction of the City:

- a) Medical marijuana processing sites;
- b) Marijuana producers;
- c) Marijuana processors;
- d) Marijuana wholesalers;
- e) Marijuana retailers

Section 3: Exception

The prohibition set out in this ordinance does not apply to a medical marijuana processing site that meets the conditions set out in subsection 7 of Section 134 and Section 136 of HB 3400.

Section 4: Referral

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

Section 5: Effective Date.


This ordinance shall go into effect 30 days after passage by the City Council and approval by the Mayor.

**CITY OF SCAPPOOSE, OREGON**

  
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Scott Burge, Mayor

First Reading: January 4, 2016  
Second Reading: January 19, 2016

Attest:

  
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Susan M. Reeves, City Recorder