

**A BILL FOR AN ORDINANCE AMENDING
TITLE 5, ADDING CHAPTER 5.50
PSILOCYBIN FACILITIES
TO THE LEBANON MUNICIPAL CODE**

) **ORDINANCE BILL NO. 2024- 6**
)
)
) **ORDINANCE NO. 3022**

WHEREAS, the City of Lebanon placed a ballot measure on the November 5, 2024, general election to ask voters whether to permit psilocybin facilities in the city; and

WHEREAS, if the voters authorize psilocybin facilities, the City Council has determined that local time, place, and manner regulations are appropriate to mitigate the potential impacts of the uses.

NOW, THEREFORE, THE CITY OF LEBANON ORDAINS AS FOLLOWS:

Section 1. Title 5 is amended to include Chapter 5.50 (Psilocybin Facilities) as set forth in Exhibit A.

Section 2. This Ordinance shall only become effective upon official certification of the November 5, 2024, general election results and only in the circumstances under which the local ballot measure results on the question of psilocybin passes with the majority of voters favoring permitting psilocybin facilities within the city.

Passed by the Lebanon City Council by a vote of _____ for and _____ against and approved by the Mayor this 10th day of July 2024.

Kenneth E Jackola, Mayor
Michelle Steinhebel, Council President

Attested:

Julie Fisher, City Recorder

EXHIBIT A

Chapter 5.50 PSILOCYBIN FACILITIES

Section 5.50.010 Definitions.

- 1) "License" means a license, and the licensure process is controlled by the Oregon Health Authority as set out in ORS Chapter 475A.
- 2) "Licensee" means a holder of any type of license issued by the Oregon Health Authority under ORS Chapter 475A.
- 3) "Psilocybin Production" means the manufacture, planting, cultivation, growing, harvesting, production, preparation, propagation, any packaging or repackaging of psilocybin-producing fungi or labeling or relabeling of its container, provided that the psilocybin manufacturer is licensed by the Oregon Health Authority with a psilocybin manufacturing endorsement for fungi cultivation. It does not include psilocybin processing.
- 4) "Psilocybin Processing" means the compounding, conversion, or processing of a psilocybin product, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, provided that the psilocybin manufacturer is licensed by the Oregon Health Authority with a psilocybin manufacturing endorsement for psilocybin extraction and/or edible psilocybin production.
- 5) "Psilocybin service center" means an establishment licensed by the Oregon Health Authority:
 - a) At which administration sessions are held; and
 - b) At which other psilocybin services may be provided.
- 6) "Sober adult" means an individual over 21 years of age who has not undergone any psilocybin treatment for at least 24 hours and who does not appear to be under the influence of any other intoxicant.

Section 5.50.020 Prohibition against employing persons under 21 years of age.

It shall be a violation of this chapter for a license holder to employ individuals under the age of twenty-one (21) to engage in the manufacturing, delivery, or provision of psilocybin products, services, or sales.

Section 5.50.030 Siting of service centers.

- 1) A psilocybin treatment service center shall not be located:
 - a) Within 300 feet of the property line of a City park;
 - b) Within 1,000 feet of the property line of another psilocybin treatment service center.
- 2) If any of the uses described in Subsection 1(a) of this Section is established subsequent to the legal establishment of a psilocybin treatment service center, the service center may remain at that location unless the Oregon Health Authority revokes the license of the service center operator or the service center use is otherwise abandoned for a period of more than one year.

- 3) A psilocybin service center use is allowed in the following zones as defined in the Land Development Code:
 - a) Highway Commercial (Z-HCM);
 - b) Mixed Use (Z-MU);
 - c) A psilocybin service center is considered a "Medical Service" use for purposes of enforcing the Land Development Code. A service center may not be located within an accessory dwelling unit (ADU) on a lot whose primary use is a residence.
- 4) A service center may be located within a mixed-use building so long as the service center is located in a space designated for commercial uses and is not a space designated solely for residential use(s).
- 5) Psilocybin-related business may not be located within any dwelling unit, nor within the same tenant space as any marijuana-related business or any business licensed for the retail sale of alcohol.
- 6) Nothing in this Section should be construed as exempting Psilocybin Service Centers from applicable requirements set forth in the Lebanon Land Development Code.

Section 5.50.040 Operation of service centers.

- 1) A Service Center can operate only with proper licensing from the State of Oregon.
- 2) A Psilocybin Service Center may operate between the hours of 6 a.m. through 11:59 p.m. daily, with the last appointment scheduled at 8:00 p.m.

Section 5.50.050 Release of clients from service center.

- 1) Except as provided in subsection (2) of this Section, service centers may not release individuals after a psilocybin treatment session unless they are released into the care of a sober adult.
- 2) An individual may be released from a psilocybin service center without an accompanying sober adult only if they are not exhibiting signs of intoxication of psilocybin.

Section 5.50.060 Siting of production and processing facilities.

- 1) A facility that produces or processes psilocybin shall not be located within 300 feet of the property line of a City park.
- 2) If any of the uses described in Subsection 1 of this Section is established subsequent to the legal establishment of a psilocybin processing facility, the processing facility may remain at that location unless the Oregon Health Authority revokes the license of the processing facility operator, or the processing facilitator use is otherwise abandoned for a period of more than one year.
- 3) The production and processing of psilocybin are considered a "horticulture" sub-use of an "Agriculture" use for purposes of enforcing the Land Development Code
 - a) Production and Processing facilities are allowed into the following zones as defined by the Land Development Code:
 - i) Industrial (Z-IND)
 - b) Production and processing of psilocybin are excluded from zones that permit horticulture for personal use as an accessory use.

Section 5.50.070 Enforcement authority.

The City is authorized to administer and enforce the provisions of this Chapter. The City may exercise any enforcement powers as provided in this code.

Section 5.50.080 Enforcement remedies.

- 1) Any persons violating any provision herein shall, upon conviction thereof, be punished by imprisonment for a period not to exceed 90 days, or by fine not to exceed \$1000.00, or both.
- 2) The City Attorney may also seek injunctive relief and civil penalties in the Lebanon Municipal Court or pursue any administrative remedies provided in this code.
- 3) Each day a violation exists or continues to exist, it is deemed a separate violation subject to penalty.

Section 5.50.090 Severability.

This chapter's sections, subsections, paragraphs, and clauses are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs, and clauses.

Section 5.50.100 Savings clause.

Notwithstanding any amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions thereof were operative. This section clarifies the existing situation, stating that nothing in this chapter affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.