

BEFORE THE MORROW COUNTY COURT
OF MORROW COUNTY

AN ORDINANCE DECLARING A MORATORIUM
ON MEDICAL MARIJUANA FACILITIES, AND
DECLARING AN EMERGENCY

COUNTY ORDINANCE

NO. ORD-2014-2

WHEREAS, ORS 203.035 authorizes Morrow County to exercise authority within the County over matters of County concern; and

WHEREAS, ORS 475.314 provides for the Oregon Health Authority to establish rules registering medical marijuana facilities to receive marijuana from certain authorized persons and transfer that marijuana to a medical marijuana cardholder or the designated primary care giver of a medical marijuana cardholder.

WHEREAS, the Oregon Health Authority will begin accepting applications for registering medical marijuana facilities;

WHEREAS, Senate Bill 1531 (2014), which allows cities or counties to prohibit the establishment of medical marijuana facilities in their respective jurisdictions has been passed by the Oregon legislature during its 2014 regular session and signed by the Governor. Furthermore, Morrow County is unaware of any state law that allows a medical marijuana registrant to establish a medical marijuana facility in any city or county by virtue of being registered by the state of Oregon. In fact, Oregon Administrative Regulation 330-008-1110(2) provides: "Registration by the [Oregon Health] Authority is not a guarantee that a facility is permitted to operate under applicable land use or other local government laws where the facility is located.";

WHEREAS, marijuana is classified by the United States federal government as a Schedule I controlled substance;

WHEREAS, the Morrow County Court held two public hearings to consider the issue of Medical Marijuana Facilities or Dispensaries on April 8 in Heppner, Oregon and on April 10 in Boardman, Oregon; and

WHEREAS, the Morrow County Court believes it is in the best interest of the health, safety and welfare of community members of Morrow County based on the testimony heard to enact a moratorium prohibiting the operation of medical marijuana facilities within the jurisdictional boundaries of Morrow County; and

NOW THEREFORE THE COUNTY COURT OF MORROW COUNTY ORDAINS AS
FOLLOWS:

SECTION 1: MORATORIUM DECLARED: Morrow County hereby prohibits the operation and or construction of any medical marijuana facility in any area subject to the jurisdiction of Morrow County. As used in this ordinance, "medical marijuana facility" includes any facility that dispenses marijuana pursuant to ORS 475.314 or any other provision of Oregon or Federal law.

SECTION 2 DURATION: The moratorium imposed by this ordinance shall be effective upon passage with a sunset date of May 1, 2015, unless sooner rescinded.

SECTION 3 ENFORCEMENT: The designated Code Enforcement Officer is charged with enforcing this ordinance.

SECTION 4 VIOLATION: A person who violates this moratorium commits a civil infraction and shall be subject to a fine of up to \$500. Each violation, and each day that a violation continues, constitutes a separate civil infraction.

SECTION 5 REMEDIES NOT EXCLUSIVE: The remedies available under Senate Bill 1531 (2014) for a violation of the moratorium imposed by this ordinance are not exclusive of any other remedies available under applicable federal, state, or local law. It is within the discretion of Morrow County to seek cumulative remedies for a violation of the moratorium imposed by this ordinance.

SECTION 6 SEVERABILITY: If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or application of this ordinance that can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are severable.

SECTION 7 EMERGENCY: This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance takes effect on its passage.

SECTION 8 NOTICE TO OREGON HEALTH AUTHORITY: A copy of this Ordinance shall be forwarded to the Oregon Health Authority by regular mail, and by any other such means as required by rule of the Oregon Health Authority.

Date of First Reading: April 16, 2014

Date of Second Reading: April 23, 2014

DONE AND ADOPTED BY THE MORROW COUNTY COURT THIS 23RD DAY OF APRIL, 2014

ATTEST:



Bobbi Childers by
Theresa Crawford Deputy Clerk
Bobbi Childers
County Clerk

MORROW COUNTY COURT:

Terry K. Tallman
Terry K. Tallman, Judge

Ken a. Grieb
Ken Grieb, Commissioner

Leann Rea
Leann Rea, Commissioner

Unofficial
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MORROW COUNTY, OREGON **CJ2014-0035**
Commissioners' Journal **04/25/2014 10:09:14 AM**



2014-0035

I, Bobbi Childers, County Clerk for Morrow
County, Oregon, certify that the instrument
identified herein was recorded in the Clerk
records.

Bobbi Childers - County Clerk

