

TITLE 5

PUBLIC PEACE, HEALTH, SAFETY, AND WELFARE

SUBTITLE 4 - DRUGS AND ALCOHOL

CHAPTER 570

MEDICAL MARIJUANA FACILITY MOR- ATORIUM CODE

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570.001 Title

This Chapter, LCC 570.001 to 570.999, shall be known and may be cited as the “Linn County Medical Marijuana Facility Moratorium Code” or simply as the “Medical Marijuana Facility Moratorium Code.”

[Adopted 2014-080 § 1 eff 4/30/2014]

570.002 Statement of policy and purpose

It is the policy of Linn County, and the purpose of this Chapter, that in order to protect the public peace, health, safety, and welfare of citizens of and persons within Linn County a moratorium be enacted prohibiting the establishment and operation of any medical marijuana facility in Linn County.

[Adopted 2014-080 § 1 eff 4/30/2014]

570.005 Background of moratorium

(A) The Oregon Legislature enacted House Bill 3460 (2013) which requires the Oregon Health Authority to develop and implement a process to register medical marijuana facilities.

(B) House Bill 3460 (2013) directed that persons who operate or are employed by a registered medical marijuana facility would enjoy immunity from State prosecution.

(C) The issue of whether a local government believes a certain type of business should operate within its jurisdictional limits is a local government decision, the enforcement of which is subject to the general and police powers of that jurisdiction.

(D) The Oregon Legislature enacted Senate Bill 1531 (2014) which removes immunity from State prosecution for a person who is responsible for or employed by a registered medical marijuana facility located in an area subject to the jurisdiction of a city or county that enacts a moratorium prohibiting the operation of a medical marijuana facility.

(E) The Linn County Board of Commissioners believes it is in the best interests of the public health, safety and welfare of the citizens of and persons within Linn County to enact such a moratorium prohibiting the operation of medical marijuana facilities within the jurisdictional boundaries of Linn County.

[Adopted 2014-080 § 1 eff 4/30/2014]

570.100 Definitions

As used in this Chapter, except as otherwise defined in this Chapter, the term:

(A) “**Board**” means the Board of County Commissioners for Linn County.

(B) “**County**” means Linn County.

(C) **“Medical marijuana facility”** means any facility that dispenses marijuana pursuant to ORS 475.314 or any other provision of Oregon law.

(D) **“Sheriff”** means the Linn County Sheriff.

[Adopted 2014-080 § 1 eff 4/30/2014]

570.200 Moratorium

(A) The operation of any medical marijuana facility in any area subject to the jurisdiction of the County is prohibited.

(B) The moratorium imposed by subsection (A) of this section shall remain in effect until May 1, 2015.

[Adopted 2014-080 § 1 eff 4/30/2014]

570.250 Enforcement

The Sheriff is charged with enforcement of the moratorium established by LCC 570.200.

[Adopted 2014-080 § 1 eff 4/30/2014]

570.300 Nonexclusivity of remedies

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 any applicable federal, State or local law. It is within the discretion of the County and the Sheriff to seek cumulative remedies for a violation of the moratorium imposed by this ordinance.

[Adopted 2014-080 § 1 eff 4/30/2014]

Statutory References and Other Authorities:

ORS 203; 475.300 to 475.346; 475.314; SB 1531 (2014)

Legislative History of Chapter 570:

Adopted 2014 - 080 eff 4/30/14

Amendments to 2014 - 080:

#1 none
