

FILED

APR 17 2014

TASSI O'NEIL  
COUNTY CLERK

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON

In the Matter of Declaring a Moratorium )  
on Medical Marijuana Facilities and ) ORDINANCE #76  
Declaring an Emergency )

WHEREAS, 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;

WHEREAS, House Bill 3460 (2013) directed that persons who operate or are employed by a registered medical marijuana facility would enjoy immunity from state prosecution;

WHEREAS, 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;

WHEREAS, 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; and

WHEREAS, the Tillamook County Board of Commissioners believes it is in the best interests of the health, safety and welfare of the citizens of Tillamook County to enact such a moratorium prohibiting the operation of medical marijuana facilities within the jurisdictional boundaries of Tillamook County, as the Tillamook County Board of Commissioners believe that care must be taken to adequately regulate the location and operation of such facilities and that adequate time should be given to allow appropriate county departments to develop land use standards for the location and siting of such facilities.

NOW THEREFORE, BASED ON THE FOREGOING, THE BOARD OF COMMISSIONERS FOR TILLAMOOK COUNTY ORDAINS AS FOLLOWS:

Section 1. Title

This ordinance shall be known as the Tillamook County Moratorium on Medical Marijuana Facilities Ordinance.

Section 2. Moratorium Declared

The County of Tillamook hereby prohibits the operation of any medical marijuana facility in any area subject to the jurisdiction of the County of Tillamook. As used in this section, "medical marijuana facility" includes any facility that dispenses marijuana pursuant to ORS 475.314 or any other provision of Oregon law.

Section 3. Duration of Moratorium

The moratorium imposed by this ordinance shall be effective until May 1, 2015, unless rescinded sooner.

Section 4. 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 any applicable federal, state or local law. It is within the discretion of the County of Tillamook to seek cumulative remedies for a violation of the moratorium imposed by this ordinance.

Section 5. 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 applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

Section 6. 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.

Date of First Reading: April 2, 2014

Date of Second Reading: April 16, 2014

ADOPTED this 16<sup>th</sup> day of April, 2014.

BOARD OF COUNTY COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON

Bill Baertlein  
Bill Baertlein, Chair

Tim Josi  
Tim Josi, Vice Chair

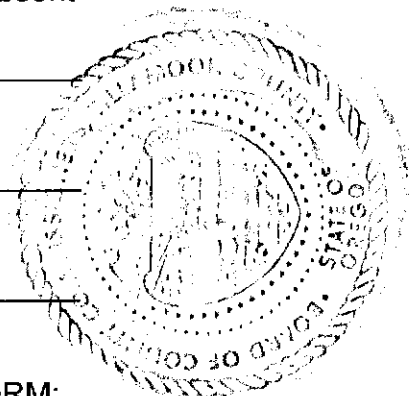
Mark Labhart  
Mark Labhart, Commissioner

Aye    Nay    Abstain/Absent

✓        \_\_\_\_\_    \_\_\_\_\_

✓        \_\_\_\_\_    \_\_\_\_\_

✓        \_\_\_\_\_    \_\_\_\_\_



ATTEST: Tassi O'Neil, County Clerk

APPROVED AS TO FORM:

BY: Susan L. Beecraft  
Special Deputy

William K. Sargent  
William K. Sargent, County Counsel