

IN THE MATTER OF ORDINANCE)
No. 36.06A (Amended) OF KLAMATH)
COUNTY DECLARING A) ORDINANCE No. 36.06A (Amended)
MORATORIUM ON MEDICAL)
MARIJUANA FACILITIES)

WHEREAS, the Oregon Legislature enacted Senate Bill 1531 (2014) which allowed local jurisdictions to place a one (1) year moratorium on the location of any medical marijuana dispensary within a City or County's limits; and

WHEREAS, the Klamath County Board of Commissioners believed last year that it was in the best interests of the health, safety, and welfare of the citizens of Klamath County to enact such a moratorium and did so by adoption of Ordinance No. 36.06; and

WHEREAS, the Oregon Legislature is currently working on possible amendments to Measure 91, the ballot measure that legalized possession and manufacture of certain amounts of marijuana, and on previously enacted House Bill 3460 (2013) pertaining to medical marijuana facilities; and

WHEREAS, the issue of whether the legislature will agree that a local government can ban dispensaries of marijuana for either recreational purposes or medicinal purposes is still being debated in the legislature and is not likely to be resolved until the summer of 2015; and

WHEREAS, Ordinance 36.06, by its nature, automatically expires on May 1, 2015, per legislative mandate, and

WHEREAS, the County believes that the legislature may make significant changes to the existing laws pertaining to marijuana during this legislative session that will help inform the County as to what options and obligations it will legally have going forward with respect to marijuana dispensaries and related operations within the County; and

WHEREAS, the Klamath County Board of Commissioners continues to believe that it is in the best interests of the health, safety, and welfare of the citizens of Klamath County to extend the moratorium on medical marijuana facilities.

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

MORATORIUM DECLARED. The County of Klamath hereby prohibits the operation of any medical marijuana facility in any area subject to the jurisdiction of Klamath County. 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.

DURATION OF MORATORIUM. The moratorium imposed by this ordinance shall be effective immediately and continue until May 1, 2016, unless rescinded sooner.

ENFORCEMENT. The Sheriff, or his/her designee, is charged with enforcement of the moratorium.


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.

EFFECTIVE DATE: This Ordinance shall take effect 90 days after the date of its adoption.

DONE AND DATED THIS 9th **DAY OF JUNE, 2015.**


KLAMATH COUNTY BOARD OF COMMISSIONERS


Chair



Commissioner


Commissioner

APPROVED FOR LEGAL SUFFICIENCY:


David P. Groff
Klamath County Counsel

ATTEST:


Recording Secretary