

**BEFORE THE BOARD OF COMMISSIONERS IN THE COUNTY OF LAKE  
IN THE STATE OF OREGON**

In the Matter of an Ordinance	)	
Declaring a Moratorium on	)	County Ordinance
Medical Marijuana Facilities &	)	No. 102
Declaring an Emergency	)	

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The Lake County Board of Commissioners enacts the following Ordinance:

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; and

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; and

WHEREAS, the Oregon Legislature enacted Senate Bill 1531 (2014) which permits local jurisdictions to enact a moratorium prohibiting the operation of a medical marijuana facility; and

WHEREAS, the County believes that there are significant legal and economic effects of operating medical marijuana facilities that are not currently known; and

WHEREAS, the County Board of Commissioners believes it is in the best interests of the health, safety and welfare of the citizens of Lake County to enact a moratorium prohibiting the operation of medical marijuana facilities within the jurisdictional boundaries of Lake County;

NOW THEREFORE, BASED ON THE FOREGOING, THE COUNTY OF LAKE ORDAINS AS FOLLOWS:

**MORATORIUM DECLARED.** The County of Lake hereby prohibits the operation of any medical marijuana facility in any area subject to the jurisdiction of County of Lake. 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 until May 1, 2015.

ENFORCEMENT. The Sheriff is charged with enforcement of the moratorium.

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 Lake to seek cumulative remedies for a violation of the moratorium imposed by this ordinance.

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.

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.

Enacted by the Lake County Board of Commissioners on this 16<sup>th</sup> day of April, 2014.

LAKE COUNTY BOARD OF COMMISSIONERS

  
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Dan Shoun, Chair

  
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Bradley Winters, Member

Absent  
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Ken Kestner, Member