

REVIEWED  
  
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Adding DCC 9.04.040 to Prohibit  
Any Marijuana Dispensary in Any Area Within  
the Jurisdiction of Deschutes County and  
Declaring an Emergency.

ORDINANCE NO. 2014-008

WHEREAS, the Board of County Commissioners (“Board”) initiated an amendment to Deschutes County Code Title 9 to add Chapter 9.04.040 Controlled Substances; and

WHEREAS, after a duly noticed public meeting, on February 27, 2014, the Deschutes County Planning Commission reviewed the amendment and voted five to zero (5-0) to forward the amendment without taking a position to the Board; and

WHEREAS, after a duly noticed public hearing, on March 17, 2014 the Board approved the amendment to Deschutes County Code; and

WHEREAS, Section 1 of this Ordinance is enacted pursuant to one or more of the following authorities:

- (1) The inherent powers of Deschutes County pursuant to the Oregon Constitution and Oregon law;
- (2) The federal Controlled Substances Act, 21 USC 801, *et seq*;
- (3) 2014 Oregon Senate Bill 1531;
- (4) 2013 Oregon House Bill 3460; now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:

Section 1. ADDING. Deschutes County Code Section 9.04.040 Prohibited Substances is added to read as described in Exhibit “A”

Section 2. EMERGENCY. This Ordinance being necessary for the public peace, health and safety, an emergency is declared to exist and this Ordinance takes effect on its passage.

Section 3. 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.

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Section 4. SUNSET CLAUSE. This ordinance is repealed May 1, 2015.

Dated this 17<sup>th</sup> of March, 2014

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

  
TAMMY BANEY, Chair

  
ANTHONY DEBONE, Vice Chair

ATTEST:

  
ALAN UNGER, Commissioner

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Recording Secretary

Date of 1<sup>st</sup> Reading: 17<sup>th</sup> day of March, 2014.

Date of 2<sup>nd</sup> Reading: 17<sup>th</sup> day of March, 2014.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Tammy Baney	<u>✓</u>	—	—	—
Anthony DeBone	<u>✓</u>	—	—	—
Alan Unger	<u>✓</u>	—	—	—

Effective date: 17<sup>th</sup> day of March, 2014.

**9.04.040. Controlled Substances**

- A. There is a moratorium on the operation of any marijuana dispensary in any area subject to the jurisdiction of Deschutes County.
  - B. As used in this section, ‘marijuana dispensary’ includes any facility that dispenses marijuana pursuant ORS 475.314, or any other provision of Oregon law.”
- (Ord. 2014-008, §1, 2014)