

ORDINANCE NO. 623-A

Unanimously adopted by all Commissioners.

AN ORDINANCE PROHIBITING POSSESSION OF LESS AN ONE OUNCE OF MARIJUANA AS A VIOLATION OF THE ORDINANCES OF THIS CITY, PRESCRIBING A FINE OF NOT MORE THAN \$100.00 AND PRESCRIBING DEFINITIONS THEREFOR; AND DECLARING AN EMERGENCY.

The City of Warrenton ordains as follows:

Section 1. A person commits the violation of possession of less than one ounce of Marijuana if he knowingly and unlawfully possesses less than one avoirdupois ounce of marijuana, which is a violation punishable by a fine of not more than \$100.00.

Section 2: "'Possess' means to have physical possession of or otherwise to exercise dominion or control over property (ORS 161.025[8])

Section 3: "Marijuana" includes the leaves, stems, flowers and seeds of the plant Cannabis family Moraceae, whether growing or not; but shall not include the resin or oil extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture or preparation from such resin or oil, including hashish and natural or synthetic tetrahydrocannabinol; and shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt derivative, mixture or preparation of such mature stalks, fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination. (ORS 474.010[13])

Section 4: This offense is a violation in that it is punishable only by a fine, forfeiture, fine and forfeiture or other civil penalty. Conviction of this violation does not give rise to any disability or legal disadvantage based upon a conviction of a crime (ORS 161.565 paraphrased).

Section 5: An emergency is hereby declared to exist for the reason that it is necessary for the City to correct discrepancies between its existing ordinance and the amendments to the Oregon Revised Statutes made by the 1975 Session of the Oregon Legislature and to provide the remedy of a fine of not more than \$100.00 instead of subjecting defendants to jail and for the health and safety of the citizens of the community; therefore this Ordinance shall go into full force and effect immediately.

Section 6: If any articles, section, subsection, subdivision, phrase, clause, sentence, or word in this ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of the ordinance, but shall be confined to the article, section, subsection, subdivision, clause, sentence, or word so held invalid or unconstitutional.

Section 7: All ordinances inconsistent herewith are repealed.

Passed by the City Commission of the City of Warrenton this 3RD day of May, 1976.

Approved by the Mayor of the City of Warrenton this 3RD day of May, 1976.



Mayor

ATTEST:



Auditor and Police Judge