

A BILL FOR AN ORDINANCE AMENDING TITLE 9 OF THE LEBANON MUNICIPAL CODE CONCERNING POSSESSION OF MARIJUANA, AND CREATING A NEW 9.24, UNLAWFUL POSSESSION OF MARIJUANA, LESS THAN ONE OUNCE)))))))	Ordinance Bill No. <u> 4 </u> For 2011 Ordinance No. <u> 2817 </u>
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WHEREAS, ORS 475.864(3) generally sets forth the state prohibition against the possession of less than one ounce of Marijuana; and

WHEREAS, ORS 475.864(3) provides that all fines imposed under that statute shall be forwarded to the Department of Revenue for deposit in the Criminal Fine and Assessment Account established under ORS 137.300; and

WHEREAS, the City of Lebanon has ordained in LMC 1.16.120 that all fines for violations of the Lebanon Municipal Code shall be paid to the clerk of the municipal court and deposited in the city's general fund; and

WHEREAS, the City of Lebanon has authority under the municipal home rule provisions of the Constitution of the State of Oregon to designate that fines for violations of city ordinances be deposited in the city's general fund.

NOW, THEREFORE, THE CITY OF LEBANON ORDAINS AS FOLLOWS:

Section 1. There is hereby added to Title 9 the following Chapter of the Lebanon Municipal Code:

9.24.010

(1) No person shall knowingly or intentionally use or possess less than one avoirdupois ounce of the dried leaves, stems and flowers of the plant marijuana, Cannabis family Moraceae, unless used or possessed pursuant to a prescription valid within and pursuant to the Oregon Revised Statutes.

(2) Unlawful possession of marijuana is a violation of the LMC if the amount possessed is less than one avoirdupois ounce. A violation under this section is punishable by a fine not less than \$500.00 and not more than \$1000.00.


(3) Fines collected under this section shall not be forwarded to the Oregon Department of Revenue but shall be retained by the City of Lebanon.

(4) The Lebanon Municipal Court shall inform at arraignment, a defendant charged with the violation of possession of less than one ounce of marijuana, that a diversion program may be available. The marijuana diversion program is available to eligible defendants who file with the court a diversion agreement pursuant to the policy of the Lebanon Municipal Court. If a defendant has not had a prior conviction for this same offense or completed a diversion program for this same offense within the last 10 years, then they are eligible for the court diversion program.

(5) The Lebanon Municipal Court may at its discretion order suspension of driving privileges after a person has been convicted of violation of this section pursuant to ORS Chapter 809.

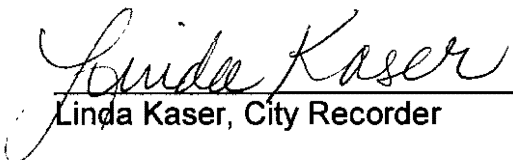
Passed by the Lebanon City Council by a vote of 5 for and 0 against and approved by the Mayor on this 9th day of March, 2011.

CITY OF LEBANON, OREGON



Kenneth I. Toomb, Mayor
Bob Elliott, Council President

ATTEST:



Linda Kaser, City Recorder