

IN THE BOARD OF COMMISSIONERS FOR THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL NOV -7 AM 9:44

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance Prohibiting )  
Possession of Less Than One Ounce of ) ORDINANCE 636  
Marijuana Seed; Imposing a Penalty Up to )  
\$500; Adopting Provisions for Implementation. )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board") sat for the transaction of county business in formal session on Thursday, November 6, 1997, at 10:00 a.m. in Room 32 of the Courthouse, Commissioners Thomas E.E. Bunn, Ted Lopuszynski, and Robert Johnstone being present.

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS as follows:

Section 1. DEFINITION.

"Marijuana" means all parts of the plant Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber oil, or cake, or the sterilized seed of the plant which is incapable of germination.

Section 2. OFFENSE AND PENALTY; AFFIRMATIVE DEFENSE.

A. **Possession of Less than One Ounce of Marijuana Seed.** It is unlawful within the unincorporated area of Yamhill County or within the city limits of any city whose governing body has consented to the application of this ordinance for any person knowingly or intentionally to possess less than one avoirdupois ounce of seed of marijuana.

B. **Affirmative Defense.** It is an affirmative defense to the charge of violating subsection (2)(a) of this ordinance if the marijuana seed is incapable of germination.

C. **Penalty.** Any person who violates this section is guilty of an infraction and upon conviction may be fined not more than \$500.

Section 3. INFRACTION PROCEDURE; JURISDICTION; VENUE; PROSECUTION.

A. **Infraction Procedure.** A violation of Section 2 of this ordinance is an infraction. Citations shall be issued and court procedures followed that are in accord with ORS 153.110 to 153.310 and 153.990, 1995 replacement part.

B. **Jurisdiction.** Jurisdiction for infractions arising under this ordinance is vested as provided in ORS 153.220, 1995 replacement part.

C. **Venue.** An action for an infraction arising under this ordinance shall be commenced in Yamhill County, including any offense committed on any body of water located in or adjacent to Yamhill County.

D. **Prosecution.** At any trial involving an infraction arising under this ordinance only, the prosecuting attorney may aid in preparing evidence and obtaining witnesses but shall not appear unless counsel for the defendant appears. As used in this subsection, the "prosecuting attorney" includes the district attorney, a city attorney, or the county counsel.

Section 4. SEVERABILITY CLAUSE.

All sections, subsections, and paragraphs of this ordinance are severable. If any section, subsection, or paragraph is ruled invalid for any reason by the court of last resort, the other parties of this ordinance shall be unaffected.

Section 5. EFFECTIVE DATE.

First reading of the ordinance: October 2, 1997.  
Second reading of the ordinance: November 6, 1997.

This ordinance becomes effective the 90<sup>th</sup> day following passage: February 4, 1998.

DONE this 6<sup>th</sup> day of November, 1997 at McMinnville, Oregon.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

~~CHARLES STERN~~  
County Clerk

Thomas E.E. Bunn  
Chairman THOMAS E.E. BUNN

By [Signature]  
Deputy County Clerk

Ted Lopuszynski  
Commissioner TED LOPUSZYNSKI

APPROVED AS TO FORM BY:

John C. Pinkstaff  
JOHN C. PINKSTAFF  
Yamhill County Interim Co-Counsel

Robert Johnstone  
Commissioner ROBERT JOHNSTONE

Accepted by Yamhill County  
Board of Commissioners on  
Nov. 6, 1997 by Board Order  
# 97-828.

