

Codified
AS

ORDINANCE NO. 1803

(An ordinance adding Chapter 9.44 to the Hood River Municipal Code –
Possession of Marijuana)

WHEREAS, the City has incurred increasing costs for enforcement and prosecution of misdemeanor offenses for possession of marijuana (possession of less than one avoirdupois ounce);

WHEREAS, such offenders have heretofore been charged under state law, as a result of which the fines for the offense are paid to the state;

WHEREAS, adoption of a City ordinance creating the offense of possession of marijuana in an amount less than one avoirdupois ounce will enable the City to retain the fines and offset some of the costs of enforcement and prosecution;

WHEREAS, possession of marijuana in the amount of one ounce or more will continue to be prosecuted as a felony under state law;

NOW, THEREFORE, THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

Chapter 9.44 is added to the Hood River Municipal Code:

Chapter 9.44 – POSSESSION OF MARIJUANA

9.44.010 Definitions

9.44.020 Possession of marijuana

9.44.030 Penalty

9.44.040 Diversion

9.44.010 Definitions. For the purposes of this Chapter, the following definitions shall apply:

“Marijuana” shall mean 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.

“Practitioner” shall mean a physician, dentist, veterinarian, scientific investigator, certified nurse practitioner, physician’s assistant, or other person licensed, registered or otherwise permitted by law to dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state, but does not include a pharmacist or a pharmacy.

9.44.020 Possession of marijuana. No person shall knowingly or intentionally possess marijuana, in an amount less than one avoirdupois ounce, unless the substance was obtained directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of professional practice, or except as otherwise authorized by State law.

9.44.030 Penalty. A violation of this Chapter is punishable by a fine of not less than \$500 and not more than \$1,000.

9.44.040 Diversion.


A. A person charged with the offense of possession of less than an ounce of marijuana may be eligible for a diversion agreement, if the offense for which the defendant is before the Court is the defendant’s first offense, and the defendant files with the Court a petition for a possession of marijuana diversion agreement.

B. Possession of marijuana diversion petitions shall be available to a defendant at the Court. The petition form shall conform to the requirements of State law.

C. Diversion procedures shall be as prescribed by State statutes for possession of marijuana diversion agreements.

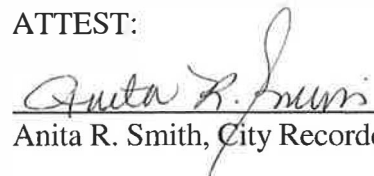
Read for the first time: November 13, 2000.

Read for the second time and passed: November 27, 2000, to become effective thirty (30) days hence.



Paul G. Cummings, Mayor

ATTEST:



Anita R. Smith, City Recorder