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CITY OF PORTLAND, OR

BY \_\_\_\_\_

## The City of Portland Ordains:

### **Section 1: TITLE**

An ordinance to assert criminal and civil penalty exemptions for possession of up to an ounce of usable marijuana in Portland.

### **Section 2: PURPOSE**

The purpose of this ordinance is:

- (1) to except adults over 21 from criminal and civil penalties for possession of a small personal amount of usable marijuana, within certain limits;
- (2) to describe the role of officers of the Portland Police Bureau in enforcement of this ordinance.

### **Section 3: FINDINGS**

**WHEREAS** marijuana has been shown to be a far safer substance than either alcohol or tobacco, never having caused a death by overdose;

**WHEREAS** a number of studies conducted by the federal government have concluded that the primary harm to individuals and society from using marijuana lies in its illegal status;

**WHEREAS** it is incumbent upon the elected representatives of the voters of the City of Portland to use scarce tax resources in the most appropriate way;

**THEREFORE** the people of Portland do hereby enact the following ordinance to be added to the Portland City Code, excepting adults over 21 from criminal and civil penalties for possessing an ounce or less of usable marijuana.

### **Section 4: DEFINITIONS**

For the purposes of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (1) "Adult" means an individual who is 21 years of age or older.
- (2) "Usable marijuana" means the dried leaves and flowers of the plant *Cannabis*, and any mixture or preparation thereof. "Usable marijuana" does not include the seeds, stalks and roots of the plant.
- (3) "Portland law enforcement officer" means a member of the Portland Police Bureau or any other agency or department within the City of Portland that engages in law enforcement activity.

**Section 5:**

**EXCEPTION FROM CRIMINAL AND CIVIL PENALTIES**

- (1) Adults shall be excepted from the criminal and civil laws of the state within the city limits of Portland for possession of marijuana.
- (2) This exception shall not apply to the following:
  - (a) possession of more than one ounce of usable marijuana per adult;
  - (b) use of marijuana on public property or in public view;
  - (c) driving under the influence of marijuana;
  - (d) possession of marijuana within 1,000 feet of a school Zone;
  - (e) cultivation of marijuana

**Section 6:**

**LIMITATIONS ON ACTIONS OF PORTLAND LAW ENFORCEMENT OFFICERS**

- (1) A Portland law enforcement officer who determines that an adult is in possession of amounts of usable marijuana in excess of the amount authorized in this ordinance may confiscate only any usable marijuana that are in excess of the amount authorized.
- (2) No Portland law enforcement officer shall cooperate with state or federal agents in the arrest, citation, investigation, prosecution, or seizure of property from adults for any marijuana-related offense, except in such cases as listed in Section 5 (2) (a) through (e) above.

**Section 7:**

**LIMITATIONS ON PROTECTION FROM CRIMINAL AND CIVIL LIABILITY**

Nothing in this Ordinance shall protect an individual from a criminal or civil cause of action based on possession of marijuana that is not authorized in this Ordinance.

**Section 8:**

**ENACTMENT**

Unless otherwise provided by ordinance or statute, this ordinance shall take effect upon the certification of the election results establishing passage of this ordinance.