



## MEDFORD CITY COUNCIL STUDY SESSION

March 12, 2015  
Noon

Medford Room, City Hall  
411 W. 8<sup>th</sup> Street, Medford

### AGENDA

1. Marijuana – Time, Place & Manner
2. Coquille Tribe Casino/BIA Response

## **CONTROL OF HOMEGROWN AND MEDICAL MARIJUANA**

### **5.650 Intent and Purpose of Sections 5.650 to 5.658**

The City Council of the City of Medford recognizes that citizens of the state of Oregon may engage in both the recreational and medicinal use of marijuana in accordance with state law. However, City Council also recognizes that the drying, production, processing, keeping, or storage of marijuana, without appropriate safeguards in place, can have a detrimental effect upon public safety and neighboring citizens. The City Council finds and declares that the health, safety and welfare of its citizens are promoted by requiring marijuana cultivators engaged in either the recreational or medicinal drying, production, processing, keeping, or storage of marijuana to ensure that it is not accessible to unauthorized persons and that its odor does not travel to other properties.

### **5.651 Definitions**

Words and phrases used in Sections 5.650 to 5.658 shall have the following meanings ascribed to them:

- (1) “Homegrown Marijuana” means the marijuana dried, produced, processed, kept or stored for recreational use by a person 21 years of age or older in accordance with state law.
- (2) “Household” means a housing unit, and includes any place in or around the housing unit at which the occupants of the housing unit are cultivating, drying, producing, processing, keeping, or storing homegrown marijuana.
- (3) “Housing unit” means a house, an apartment, a mobile home, a group of rooms, or a single room that is occupied as separate living quarters, in which the occupants live and eat separately from any other persons in the building and which have direct access from the outside of the building or through a common hall.
- (4) “Marijuana” means all parts of the plant Cannabis family Moraceae, including, but not limited to, its dried leaves and flowers, any marijuana products derived therefrom. The term includes any and all homegrown and medical marijuana as defined in this section.
- (5) “Marijuana cultivator” means a Medical Marijuana Grower, Recreational Marijuana Homegrower, patient, and any landlord or property owner allowing marijuana to be produced at a premises.
- (6) “Marijuana products” means products that contain marijuana or marijuana extracts and are intended for human consumption.
- (7) “Medical Marijuana” means the marijuana dried, produced, processed, kept or stored for medicinal use in accordance with the Oregon Medical Marijuana Act.

(8) "Medical Marijuana Grower" means any person engaged in the drying, production, processing, keeping or storage of medical marijuana in accordance with state law, and includes, but is not limited to the meaning set out at OAR 333-008-0010 (11)&(21).

(9) "Medical Marijuana Grow Site" means a location registered pursuant to ORS 475.304 where medical marijuana is produced for use by a patient.

(10) "Recreational Marijuana Homegrower" means a person 21 years of age and older engaged in the cultivation, drying, production, processing, keeping or storage of homegrown marijuana in accordance with state law.

(11) "Patient" means a person who has been diagnosed by an attending physician with a debilitating medical condition and for whom the use of medical marijuana may mitigate the symptoms or effects of the person's debilitating medical condition, and who has been issued a registry identification card by the Oregon Health Authority.

(12) "Premises" means a household, medical marijuana grow site or residence of a patient.

(13) "Property" means any home, business or public right-of-way.

#### **5.652 Unlawful Release of Marijuana Odor**

(1) No marijuana cultivator shall cause or allow the odor of marijuana to emanate from a premises to any other property.

(2) Violation of this section constitutes a violation. Every day in which the violation exists constitutes a separate violation.

#### **5.653 Marijuana Enclosure Construction Requirements**

(1) Every marijuana cultivator shall erect and maintain a marijuana enclosure sufficient to make marijuana inaccessible to unauthorized persons. A marijuana enclosure shall conform to the following requirements:

(a) The enclosure shall be comprised of fencing and a gate, which shall be constructed of chain link, masonry, metal, stonewall, wood, or any combination thereof. If chain link is used, the openings shall not exceed 1.25 inches, measured horizontally. The use of fabrics, such as tarps, shade screens and other like materials are prohibited.

(b) The enclosure shall be between 7-8 feet in height, with a maximum vertical clearance from the ground to the bottom of the fence and gate limited to 2 inches. Marijuana shall not exceed the height of the enclosure.

(c) The outside surface of the enclosure shall be free of protrusions, cavities, or other physical characteristics that would serve as handholds or footholds, which renders the enclosure easily climbable.

- (d) The enclosure shall be maintained in good repair, and shall be kept structurally sound.
- (e) Gates shall be equipped with a locking mechanism designed to keep unauthorized person from accessing marijuana. The gate shall be locked when the enclosure is not in use.
- (2) Violation of this section constitutes a violation. Every day in which the violation exists constitutes a separate violation.

#### **5.654 Permitting Requirement**

- (1) No marijuana cultivator may erect a marijuana enclosure unless a Marijuana Enclosure Permit has been issued by the Building Safety Director. The Building Safety Director shall issue a permit if the enclosure meets the standards of this section. The fee for the permit is as prescribed by administrative regulation.
- (2) Violation of this section constitutes a violation. Every day in which the violation exists constitutes a separate violation.

#### **5.655 Screening Requirements**

- (1) No marijuana cultivator may dry, produce, process, keep, or store marijuana if the marijuana can be readily seen by normal unaided vision from a public place.
- (2) If necessary to comply with subsection (1), a marijuana cultivator shall screen the drying, production, processing, keeping, or storage of marijuana. The use of fabrics, such as tarps, shade screens and other like materials are prohibited.
- (3) Violation of this section constitutes a violation. Every day in which the violation exists constitutes a separate violation.

#### **5.656 Conflict of Laws**

In the event of any conflict between the provisions of this Ordinance and the provisions of any other applicable state or local law, the more restrictive provision shall control.

#### **5.657 Public Nuisance- Remedy**

A violation of sections 5.652, 5.653, 5.654 and 5.655 is declared to be a public nuisance, and may be abated in the manner provided for in section 5.520.

#### **5.658 Severability**

The sections, subsections, paragraphs and clauses of this Ordinance are severable. The invalidity of one section, subsection, paragraph or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.