

Chapter 5.06

MEDICAL MARIJUANA FACILITIES

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5.06.010. Purpose and Intent. Purpose and Intent. The purpose of this Section is to create requirements for medical marijuana facilities that protect the public health, safety, and welfare. (Ord. 840 §1, 2015; Ord. 831 §1, 2014)

5.06.020. Definitions. Except where the context specifically requires otherwise, as used in this Chapter, the following words and phrases mean:

(A) "Applicant" means an agent or owner of a Medical Marijuana Facility.

(B) "Building" means any structure having a roof supported by columns or walls, for the housing, shelter or enclosure of persons, animals, chattels, or property of any kind.

(C) "Location" means any parcel of land, whether vacant or occupied by a building, group of buildings, or accessory buildings, and includes the buildings, structures, yards, open spaces, lot width, and lot area.

(D) "Medical marijuana facility" means a medical marijuana facility licensed by the State of Oregon under HB 3460 (2013) and/or ORS 475.300 et seq., including future amendments thereto. (Ord. 840 §1, 2015; Ord. 831 §1, 2014)

5.06.030. Certification Required. Prior to the City issuing a business license pursuant to Section 5.04 of this Code to a medical marijuana facility, the applicant shall certify to the City that the applicant is in compliance with section 5.06.040 of this chapter. (Ord. 840 §1, 2015; Ord. 831 §1, 2014)

5.06.040. Standards of Operation. A medical marijuana facility must comply with the following requirements, in addition to any other state or local requirements:

(A) Registration in good standing with the Oregon Health Authority as a medical marijuana facility pursuant to state law and in compliance with all applicable laws and regulations administered by the Oregon Health Authority for Facilities.

(B) A facility may not have a walk-up window or a drive-through.

(C) Operating hours must be no earlier than 10:00 a.m. or later than 8:00 p.m. on the same day.

(D) The facility must utilize an air filtration and ventilation system that confines all odors associated with the facility to the facility premises.

(E) The facility must not manufacture or produce any extracts, oils, resins, or similar derivatives of marijuana on-site and must not use open flames or gases in the preparation of any products.

(F) The facility shall not be located:

(1) Within 1,000 feet of another medical marijuana facility.

(2) Within 1,000 feet of a public or private elementary, secondary, or career school. (Ord. 840 §1, 2015; Ord. 831 §1, 2014)

5.06.045 Subsequent Change in Use. A medical marijuana facility which is in compliance with this Code at the time of issuance of the business license shall be allowed to continue in existence, notwithstanding a subsequent change in use of another property which would otherwise render the medical marijuana facility to be in violation of section 5.06.040(F). (Ord. 840 §1, 2015)

5.06.050. Violations. (A) Violation of this Chapter shall be deemed a civil violation pursuant to Section 5.04.120 of this Code.

(B) In addition to all other remedies allowed by this code, operation of a medical marijuana facility within the City in violation of the provisions of this Chapter is hereby declared a public nuisance and shall be abated pursuant to all available remedies. (Ord. 840 §1, 2015; Ord. 831 §1, 2014)