

CITY OF EAGLE POINT HOMEGROWN AND MEDICAL MARIJUANA REGULATIONS

A Guide to Understanding Homegrown Marijuana Regulations Adopted by Ordinance 2016-02

Effective March 8, 2016



**City of Eagle Point
Police Department
17 S. Buchanan Ave.
Eagle Point, OR 97524
Phone (541) 826-9171
Code Enforcement Desk
Phone (541) 538-5139**

www.cityofeaglepoint.org

Through Ordinance No. 2016-02 the Eagle Point City Council added Chapter 8.30 to Title 8 of the Eagle Point Municipal Code. Chapter 8.30 outlines the intent and purpose, definitions, regulations, public nuisance remedy, violations, conflict of law, and ordinance severability of homegrown and medical marijuana in Eagle Point. The purpose of this brochure is to assist Eagle Point citizens in understanding the new guidelines.

This guide is not intended to replace the ordinance, and all citizens are encouraged to read and understand the text of Ordinance 2016-02 in its entirety. A complete list of definitions of the terms used in this brochure is contained in Ordinance 2016-02. Please refer to the ordinance for these definitions.

A copy of Ordinance 2016-02, as well as the text of Eagle Point Municipal Code Section 8.30 can be found on the City of Eagle Point website at www.cityofeaglepoint.org. Copies can also be obtained at the Eagle Point Police Department during regular business hours.

Our Code Enforcement Officer is committed to providing personalized service to the members of our community, and is happy to answer questions or address concerns that may arise regarding homegrown and medical marijuana cultivation within the city limits of Eagle Point. Code Enforcement can be reached directly at (541) 538-5139 or saramiller@cityofeaglepoint.org.

MARIJUANA CULTIVATION

Marijuana Cultivators shall be allowed to cultivate, produce, and/or process homegrown marijuana and medical marijuana subject to the following conditions:

- ✓ Cultivation, production, possession, and processing of marijuana must be in full compliance with all applicable provisions of OMMA and Measure 91.
- ✓ Cultivation, drying, curing, storage, production, or processing, of marijuana shall be conducted indoors.
- ✓ Cultivation, production, processing, or storage of marijuana shall not be perceptible from the exterior of the household, housing unit, and/or indoor structure including but not limited to:
 - Common visual observation (any form of signage prohibited)
 - Odors, smells, fragrances, or other olfactory stimulus
 - Light pollution, glare, or brightness that disturbs the repose of another
 - Undue vehicular or foot traffic, including excess parking within a residential zone
 - Excessive noise that disturbs the repose of another in violation of EPMC 9.04.170
- ✓ Cultivation, production or processing of marijuana plants shall be within a secure, defined area.
- ✓ Cultivation, production, or processing of marijuana shall meet the requirements of all adopted City building and life/safety codes.
- ✓ Cultivation, production, or processing of marijuana shall meet the requirements of all adopted water and sewer regulations promulgated by the City or any special district having jurisdiction.
- ✓ Disposal of any excess or unused marijuana, marijuana products, or other byproducts thereof, shall meet any and all local and state requirements for disposal, and shall be disposed of in a secure fashion so as to avoid access by children, visitors, casual passerby, vandals or anyone not licensed or authorized to possess medical or homegrown marijuana.

CULTIVATION IN RESIDENTIAL ZONES

In addition to the requirements outlined in the 'Marijuana Cultivation' section of this brochure, cultivation, production, or processing of marijuana in residential zones or in a housing unit shall also meet the following requirements:

- ✓ Cultivation, production, or processing of marijuana shall only be conducted within the primary residence of the marijuana cultivator.
- ✓ Marijuana plants shall not be cultivated, processed, or produced in the common areas of a multi-family or attached residential development such as townhomes and condominiums.
- ✓ For the purpose of Ordinance 2016-02, "primary residence" means the place that a person, by custom and practice, makes his or her principle domicile and address and to which the person intends to return, following any temporary absence, such as vacation.

(Cultivation in Residential Zones Cont.)

- ✓ For the purpose of Ordinance 2016-02, residence is evidenced by actual daily physical presence, use, and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to:
 - Slumber
 - Preparation of and partaking of meals
 - Regular mail delivery
 - Vehicle and voter registration, or
 - Credit, water, and utility billing
- ✓ A person shall have only one primary residence, which may include an indoor structure or accessory dwelling unit, provided that the indoor structure or accessory dwelling unit is located on the same tax lot as the primary residence.
- ✓ For purposes of this ordinance, "a secure" area means an area within the primary residence or indoor structure accessible only to the patient or primary caregiver, or marijuana cultivator. Secure premises shall be locked or partitioned off to prevent access by minors, visitors, casual passersby, vandals, or anyone not licensed and authorized to possess medical or homegrown marijuana.

PUBLIC NUISANCE REMEDY

The following public nuisance remedies were provided through Ordinance 2016-02:

- ✓ Any household, housing unit, premises, property, building, structure, or place of any kind where medical or homegrown marijuana is grown, processed, manufactured, bartered, distributed or given away in violation of state law of this chapter, or any place where medical or homegrown marijuana is kept or possessed for sale, barter, distribution or gift in violation of state law or this chapter, is a public nuisance and may be abated as provided in EPMC 9.04.480.
- ✓ In addition, three or more violations in a 30-day period shall constitute a chronic nuisance subject to the provisions of EPMC 9.04.480.
- ✓ In addition to any remedies provided in EPMC Title 9, the City may institute an action in municipal or circuit court in the name of the City to abate, and to temporarily and permanently enjoin, such nuisance. The court has the right to make temporary and final orders as in other injunction proceedings. The City shall not be required to give bond in such an action.

In addition to treatment as a nuisance, all violations of this title are subject to punishment under the general penalty provisions in EPMC 1.20.010. Each day in which a violation continues shall constitute a separate violation.

Did You Know? Licensed commercial grows, as defined in Measure 91, are prohibited in all residential zones.