

CITY OF SILVERTON
ORDINANCE
18-08

AN ORDINANCE OF THE SILVERTON CITY COUNCIL AMENDING MARIJUANA FACILITY PROVISIONS IN SILVERTON MUNICIPAL CODE CHAPTER 5.34

WHEREAS, the City adopted Ordinance 15-07 Regulating Marijuana Facilities within the City of Silverton; and

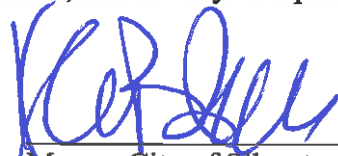
WHEREAS, the City desires to modify certain standards.

NOW THEREFORE THE CITY OF SILVERTON ORDAINS AS FOLLOWS:

Section 1: The Silverton Municipal Code is amended in substantially the same form as set forth in the attached Exhibit A (Chapter 5.34).

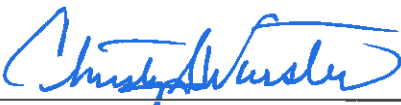
Section 2: This ordinance is and shall be effective within 30 days of its passage.

Ordinance adopted by the City Council of the City of Silverton, this 2nd day of April 2018.



Mayor, City of Silverton
Kyle Palmer

ATTEST:



City Manager/Recorder, City of Silverton
Christy S. Wurster

Exhibit A

(additions in *italics*, deletions in ~~strike through~~)

Chapter 5.34 MARIJUANA FACILITIES

Sections:

- 5.34.010 Definitions.
- 5.34.020 Marijuana producers and medical marijuana grow sites.
- 5.34.030 Marijuana processors.
- 5.34.040 Medical marijuana dispensaries, marijuana retailers, and marijuana wholesalers.
- 5.34.050 Violations and enforcement.

5.34.010 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter are as follows:

- A. "Cannabinoid" means any of the chemical compounds that are the active constituents of marijuana.
- B. "Cannabinoid concentrate" means a substance obtained by separating cannabinoids from marijuana by: (1) a mechanical extraction process; (2) a chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol; (3) a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure; or (4) any other process identified by the Oregon Health Authority or the Oregon Liquor Control Commission.
- C. "Cannabinoid edible" means food or potable liquid into which a cannabinoid concentrate, cannabinoid extract or dried marijuana leaves or flowers have been incorporated.
- D. "Cannabinoid extract" means a substance obtained by separating cannabinoids from marijuana by: (1) a chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane; (2) a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure; or (3) any other process identified by Oregon Health Authority or the Oregon Liquor Control Commission.
- E. "Cannabinoid product" means a cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair, that contains cannabinoids or dried marijuana leaves or flowers. It does not include: (1) usable marijuana by itself; (2) a cannabinoid concentrate by itself; (3) a cannabinoid extract by itself; or (4) industrial hemp.
- F. "Marijuana facilities" means recreational marijuana producers, recreational marijuana processors, recreational marijuana retailers, recreational marijuana wholesalers and medical marijuana dispensaries, medical marijuana grow sites, and medical marijuana processors.

G. "Marijuana processor" means a facility licensed by the Oregon Liquor Control Commission or registered by the Oregon Health Authority to process, compound or convert marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extract.

H. "Marijuana producer" means a facility that is licensed by the Oregon Liquor Control Commission to manufacture, plant, cultivate, grow or harvest marijuana.

I. "Marijuana retailer" means a facility licensed by the Oregon Liquor Control Commission to sell marijuana to a consumer.

J. "Marijuana wholesaler" means a facility licensed by the Oregon Liquor Control Commission to purchase marijuana items in Oregon for resale to a person other than a consumer.

K. "Medical marijuana dispensary" means a facility registered with the Oregon Health Authority or for which an application has been submitted to the Oregon Health Authority that transfers usable marijuana, immature marijuana plants, seeds, and cannabinoid products, concentrates and extracts to registrants and primary caregivers. Dispensaries also receive transfers of cannabinoid products, concentrates and extracts from marijuana processing facilities. Dispensaries receive transfers of usable marijuana, immature marijuana plants and seeds from registrants and primary caregivers.

L. "Medical marijuana grow site" means specific location registered by the OHA used by a medical marijuana grower to manufacture, plant, cultivate, grow, or harvest marijuana or dry marijuana leaves or flowers for medical use by a specific patient. (Ord. 15-07 § 1 (Exh. A), 2015)

5.34.020 Marijuana producers and medical marijuana grow sites.

All marijuana producers and grow sites within the city shall be located entirely indoors within a permanent enclosed structure with a roof and shall:

A. Use an air filtration and ventilation system which, to the greatest extent feasible, contains all marijuana related odors within the facility rather than allowing such odor to escape outside. Sufficient measures and means of preventing odor, debris, fluids and other substances from escaping the facility must be in effect at all times.

B. Provide for secure disposal of cannabinoid remnants or by-products; such remnants or by-products shall not be placed within the facilities' exterior refuse containers. Outdoor storage of cannabinoid merchandise, raw materials, or other cannabinoid materials associated with the production of marijuana is prohibited.

C. Comply with all applicable state regulations.

D. Comply with applicable city design standards with security bars or grates prohibited unless integrated into the design. (Ord. 15-07 § 1 (Exh. A), 2015)

5.34.030 Marijuana processors.

All marijuana processors within the city shall be located entirely indoors within a permanent enclosed structure with a roof and shall:

- A. Use an air filtration and ventilation system which, to the greatest extent feasible, contains all marijuana related odors within the facility rather than allowing such odor to escape outside. Sufficient measures and means of preventing odor, debris, fluids and other substances from escaping the facility must be in effect at all times.
- B. Provide for secure disposal of cannabinoid remnants or by-products; such remnants or by-products shall not be placed within the facilities' exterior refuse containers. Outdoor storage of cannabinoid merchandise, raw materials, or other cannabinoid materials associated with the production of marijuana is prohibited.
- C. Comply with all applicable state regulations.
- D. Comply with city design standards with security bars or grates prohibited unless integrated into the design. (Ord. 15-07 § 1 (Exh. A), 2015)

5.34.040 Medical marijuana dispensaries, marijuana retailers, and marijuana wholesalers.

- A. Facilities under this section may be open to the public between the hours of 7:00 a.m. and 10:00 p.m.
- B. Facilities under this section may not locate in a trailer, cargo container or motor vehicle and shall not offer drive-through or delivery services, except delivery service of medical marijuana products. Outdoor storage of merchandise, raw materials or other materials associated with the facility is prohibited. Facilities under this section must be a permanent structure on a foundation with a permanent address which can be registered with the state of Oregon.
- C. No marijuana or paraphernalia shall be displayed or kept in a facility under this section so as to be visible from the outside of the licensed premises. Marijuana and tobacco products must not be inhaled (smoked or vaporized), ingested (orally, sublingually or rectally), topically applied or otherwise consumed in any manner that creates pharmaceutical effect or chemical influences on a person while on the premises.
- D. Facilities under this section must use an air filtration and ventilation system which, to the greatest extent feasible, contains all marijuana related odors within the facility rather than allowing such odor to escape outside. Sufficient measures and means of preventing odor, debris, fluids and other substances from escaping the facility must be in effect at all times.
- E. Facilities under this section must provide for secure disposal of cannabinoid remnants or by-products; such remnants or by-products shall not be placed within the facilities' exterior refuse containers.
- F. Facilities under this section must comply with all applicable state regulations.

G. Facilities under this section must take steps to ensure that all products and paraphernalia must be enclosed in an opaque bag or container upon exiting the facility.

H. Entrances and off-street parking areas of facilities under this section shall be well lit and not visually obscured from public view and rights-of-way.

I. Site or building exterior of facilities under this section must comply with city design standards with security bars or grates prohibited unless integrated into the design.

J. New Marijuana retailers shall be no closer than 1,000 feet of another marijuana retailer. The distance between the retailers shall be computed by direct measurement of the nearest portion of the building in which one marijuana retailer is located to the nearest portion of the building in which the other marijuana retailer is located.

K. The owner or operator of a medical marijuana dispensary or marijuana retailer must request Silverton police department to conduct a criminal records check for each employee of a medical marijuana dispensary or marijuana retailer before the individual begins employment with the facility.

1. An individual convicted of the manufacture or delivery of the controlled substance in Schedule 1 or Schedule 2 may not be an employee of the medical marijuana dispensary for two years from the date the individual was convicted.

2. An individual convicted more than once for the manufacture or delivery of a controlled substance in Schedule 1 or Schedule 2 may not be an employee of a medical marijuana dispensary. (Ord. 15-07 § 1 (Exh. A), 2015)

5.34.050 Violations and enforcement.

A. The establishment, maintenance or operation of a marijuana facility by a person, business or any other entity within the city in violation of the requirements of this chapter will be subject to any and all enforcement remedies available to the city under law and/or the Silverton Municipal Code including but not limited to enforcement pursuant to Chapters 8.07 and 1.08 SMC and/or the filing of an appropriate action and pursuit of an appropriate remedy in a court of competent jurisdiction.

B. The establishment, maintenance or operation of a marijuana facility by a person, business or any other entity within the city in violation of the requirements of this chapter is declared to be a public nuisance. The city may abate a nuisance under this chapter either pursuant to Chapter 8.04 SMC or it may pursue any other remedies available to it, including but not limited to an action seeking declaratory relief and/or injunctive relief.

C. If the city brings an action in either law or equity in any of the courts of this state (including the U.S. District Court for the District of Oregon) other than its municipal court for the enforcement of this chapter, the city shall be entitled to the award of its reasonable attorney fees in the event it is the prevailing party. (Ord. 15-07 § 1 (Exh. A), 2015)