

TIGARD MUNICIPAL CODE

Chapter 5.24 MEDICAL MARIJUANA FACILITIES

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5.24.010 Purpose and Intent

The purpose of this section is to temporarily prohibit medical marijuana facilities licensed by the State of Oregon from operating within the City of Tigard to allow the City Council time to consider and adopt proper zoning or other regulations for medical marijuana facilities. The State of Oregon is set to grant licenses to medical marijuana facilities in March 2014. The City Council finds that March, 2014, is too soon to provide adequate time to consider the issues related to medical marijuana facilities, seek public input, and adopt proper regulations. Therefore, the City Council is implementing this prohibition to provide time to review the State of Oregon's medical marijuana facilities licensing rules and consider the zoning issues related to the impacts of medical marijuana facilities in the City of Tigard. (Ord. 14-04 §1)

5.24.020 Definitions

Except where the context specifically requires otherwise, as used in this chapter, the following words and phrases mean:

A. "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.

B. "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.

C. "Medical marijuana facility" means a medical marijuana facility licensed by the State of Oregon under HB 3460 and/or ORS 475.300-475.346, including future amendments thereto.

D. "Structure" means anything which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. (Ord. 14-04 §1)

5.24.030 Prohibited Activities

It is unlawful to establish, operate, use, or to cause or permit the establishment, operation, or use of a medical marijuana facility within the City of Tigard. (Ord. 14-04 §1)

5.24.040 City Employees Have No Authority to Permit Medical Marijuana Facilities

The use of any building, structure, location, premises, or land for a medical marijuana facility is not currently enumerated in the City of Tigard Municipal or Development Codes as a permitted use in any zoning district. Neither the city manager nor any city employee is authorized to determine or permit the use of any building, structure, location, premises, or land as a medical marijuana facility in any zoning district. (Ord. 14-04 §1)

5.24.050 Violations

A. A person who violates this chapter commits a civil infraction and shall be subject to a fine of up to \$500. Each violation, and each day

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that a violation continues, constitutes a separate civil infraction.

B. The civil infraction procedures in TMC Chapter 1.16 apply to the prosecution of any violation of this chapter. (Ord. 14-04 §1) ■