

ORDINANCE NO. 2011

**AN ORDINANCE AMENDING CHAPTER 8.04 NUISANCES OF THE
CENTRAL POINT MUNICIPAL CODE**

RECITALS:

1. Words ~~lined through~~ are to be deleted and words **in bold** are added.
2. Oregon Measure 91 and House Bill 3460 failed to address local concerns regarding the growth of medical and home-grown recreational marijuana. As a "home-rule" city, Central Point believes marijuana-related impacts to the safety, welfare and property of Central Point residents is important and feels the need to address related concerns.
3. The Central Point City Council has recently amended the Municipal Code to apply new regulations regarding home-grown marijuana and medical marijuana as it pertains to residential property.
4. Although specifically regulated via city ordinance, medical and home-grown recreational marijuana have the potential to negatively impact adjacent property and property owners.
5. The Central Point City Council believes the proposed nuisance ordinance amendments, to include medical and recreational marijuana, are prudent.

THE PEOPLE OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

SECTION 1. Section 8.04 is hereby amended to read as follows:

**Chapter 8.04
NUISANCES**

Sections:

- 8.04.040 Nuisances affecting public health.
- 8.04.050 Attractive Nuisances
- 8.04.140 Summary abatement.

8.04.040 Nuisances affecting public health.

The following are declared to be nuisances affecting the public health and may be abated in the manner prescribed by this chapter:

A. Privies. Any open vault or privy maintained within the city, except those privies used in connection with construction projects and constructed in accordance with the directions of the city engineer;

B. Debris on Private Property. All accumulations of debris, rubbish, manure and other refuse located on private property and which has not been removed *within a reasonable time* and which affects the health, safety or welfare of the city;

C. Stagnant Water. Any pool of water which is without a proper inlet or outlet and which, if not controlled, will be a breeding place for mosquitoes and other similar insects;

D. Water Pollution. The pollution of any body of water or stream or river by sewage, industrial wastes or other substances placed in or near such water in a manner that will cause harmful material to pollute the water;

E. Food. All decayed or unwholesome food which is offered for human consumption;

F. Odor. Any premises which are in such a state or condition as to cause an offensive odor or which are in an unsanitary condition;

G. Burning Garbage or Refuse. Any burning of garbage or refuse;

H. Air Pollution. The pollution of any air within the city, whether from a source within or without the city, by depositing smoke, particulate, odor or heat into the air by any means;

I. Homegrown or Medical Marijuana Grows. Any violation of Chapter 8.45 shall be deemed a nuisance affecting public health, including but not limited to odors emanating from the premises or indoor structure; noise from grow operations emitting from the premises or indoor structure; visibility of marijuana from outside the household, premises or indoor structure as defined therein; and failure to maintain such marijuana cultivation within a secure structure as defined in Chapter 8.45.

J. Any street, road, alley, bridge, culvert, ditch or body of water within the city, whether privately or publicly owned, which is open to use by the public, and which is in such a condition or state of disrepair as to constitute an immediate hazard to the health, safety or welfare of any person

8.04.050 Attractive Nuisances.

A. No owner, lessee, occupant or other person having control, custody or management of any premises shall suffer or permit to remain unguarded upon the premises any machinery, equipment, **homegrown or medical marijuana**, or other devices which are attractive and dangerous to children.

B. No owner, lessee, occupant or person having control, custody or management of any premises shall suffer or permit to remain unguarded upon the premises a pit, quarry, cistern, well or other excavation.

C. A nuisance as described in this section may be abated as provided in this chapter.

8.04.140 Summary abatement.

The abatement procedure provided by Sections 8.04.100 through 8.04.130 is not exclusive; and furthermore, the health officer, the chief of the fire department and the police officers of this city may proceed summarily to abate a health or other nuisance which unmistakably exists and from which there is imminent danger to human life or property, **including but not limited to failure to secure medical or homegrown marijuana so as to prevent access by children, visitors, casual passersby, vandals or anyone not licensed, authorized, or legally permitted to possess medical or homegrown marijuana.**

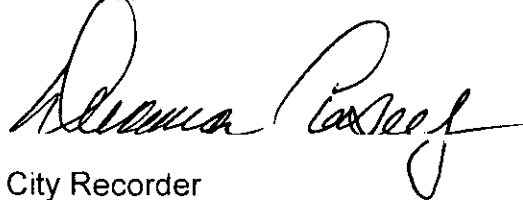
SECTION 2. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word Ordinance may be changed to "code", "article", "section", "chapter", or other word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions need not be codified and the City Recorder is authorized to correct any cross references and any typographical errors.

SECTION 3. Effective Date. The Central Point City Charter states that an ordinance enacted by the council shall take effect on the thirtieth day after its enactment. The effective date of this ordinance will be the thirtieth day after the second reading.

11th Passed by the Council and signed by me in authentication of its passage this day of June, 2015.


Mayor Hank Williams

ATTEST:


City Recorder