Agenda

Shady Cove Regular City Council Meeting

Shady Cove City Council Chamber
22451 Highway 62, Shady Cove, Oregon
Thursday, August 18, 2016
6:00 p.m.

I. Call to Order

A. Roll call
B. Pledge of Allegiance
C. Announcements by Presiding Officer

1. This meeting is being digitally recorded.
2. The next regular meeting of the City Council will be September 1 at 6:00 p.m. in the Council Chamber.
3. The next meeting of the Planning Commission will be September 8 at 6:30 p.m. in the Council Chamber.

II. Public Hearing

None

III. Public Comment

The public may comment on agenda items as they come up for discussion, but before deliberation by the Council.

IV. Presentation

None

V. Consent Calendar

A. Regular Meeting Minutes of August 4, 2016 (pg. 3-4)

VI. Written Communications

A. Marijuana Related Correspondence (pg. 5-11)

VII. Staff Reports

A. Bills Paid Report, August 4, 2016 – August 12, 2016, $1,837.90 (pg. 12)

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (541) 878-2225. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).

VIII. Unfinished Business

A. Second Reading – Ordinance to Address Indoor and Outdoor Growing of Marijuana for Personal Use (pg. 13-18)

IX. New Business

None

X. Public Comment on Non-Agenda Items

Public must state name and address and standing to discuss issue. Issues must have city-wide impact and not be personal issues.

XI. Council Comments on Non-Agenda Items

XII. Adjournment

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (541) 878-2225. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).

City of Shady Cove
City Council Regular Meeting Minutes
Thursday, August 4, 2016

CALL TO ORDER

Council Mayor Anderson called the Regular City Council Meeting to order at 6:00 p.m. in the City Council Chamber.

Council Present: Mayor Anderson, Councilor Sanderson, Councilor Burgess, Councilor Mitchell; Councilor Ulrich absent

Staff Present: Aaron Prunty, City Administrator; Bonnie Pickett, Administrative Assistant

ANNOUNCEMENTS

The Mayor Anderson led the audience in the Pledge of Allegiance and made the announcements on the agenda.

CONSENT CALENDAR

Regular Meeting Minutes of July, 21 2016

Motion to Approve the Consent Calendar
Motion: Councilor Mitchell Second: Sanderson
All ayes. Motion carried 3-0 (Mayor Anderson abstained)

STAFF REPORTS

The City Administrator answered questions regarding the bills paid report. He also advised next week Jackson County will be striping local streets in Shady Cove. In addition, in mid to late August chip sealing will be done on Maple St, Castaline and Park.

Jackson County Sheriff – Deputy McGrath advised that the Sheriff's department is fairly busy. Deputy McGrath gave kudos to Deputy Campbell for going above and beyond on a theft case in Shady Cove. He also advised he worked with Public Works to clean up the trail area in Aunt Caroline's Park.

UNFINISHED BUSINESS

A. Second Reading – Ordinance to Amend City of Shady Cove Ordinance 270, Section 116.08 Hours and Rules of Operation

Motion to Approve Ordinance to Amend City of Shady Cove Ordinance 270, Section 116.08 Hours and Rules of Operation
Motion: Councilor Sanderson Second: Mitchell
All ayes.4-0

NEW BUSINESS

A. Resolution 16-23 – Reaffirming Street Standards
The City Administrator read the resolution in its entirety.

Motion to Approve Resolution 16-23 – Reaffirming Street Standards
Motion: Councilor Burgess Second: Mitchell
All ayes. 4-0

PUBLIC COMMENTS

A citizen questioned what is happening with the drainage on Schoolhouse.

The Shady Cove Upper Rogue Chamber of Commerce will be holding their annual meeting at Aunt Caroline's Park at 5:30 pm on August 20th. They have decided to hold the 2017 Spring/Summer Festival on June 24 & 25. They will be discontinuing the fishing derby in 2017; instead they are going to have raft races.

COUNCIL COMMENTS

Councilor Mitchell has concerns that marijuana is being grown and sold without the person having a business license.

Councilor Burgess advised that there are three candidate positions open at this time, one for Mayor and two for Councilor.

Mayor Anderson advised that the City Administrator, Councilor Sanderson and he have a meeting next week with the Oregon Department of Transportation (ODOT), prior to their presentation before the council later in the year.

ADJOURNMENT

There being no further business before the council, Mayor Anderson adjourned the regular meeting at 6:37 p.m.

Approved:

_____
Tom Anderson
Mayor

Attest:

_____
Aaron Prunty
City Administrator

Council Vote:
Mayor Anderson _____
Councilor Ulrich _____
Councilor Sanderson _____
Councilor Burgess _____
Councilor Mitchell _____

To: City Council of Shady Cove
7/16/2016

Mr Mayor and City Councilmen,

I'm still troubled by the decision you made at the last council meeting(7/7) to establish an ordinance allowing the outdoor growing of marijuana(mj) in Shady Cove. Here's the arguments I heard and my thoughts!

1 *Residents cannot afford to buy their medical mj or grow it indoors. Do you have* any idea how many people truly fall in this category? Did you consider the probability that the explosion of grows in the area will dramatically drive down prices? The argument for having to grow your own pot for medical purposes because you can't afford to buy it goes away when it becomes affordable to buy at the local retailer! Did you even consider the idea of local medical mj dispensaries or one or more of the numerous growers in the area helping the less fortunate? Altruism surely exists among the mj crowd. It doesn't need to be subsidized by City Hall.
2 *You(Mr Mayor) have lived here 26 years among residents who have grown pot and have experienced no problems and have seen property values appreciate.* No argument! The practice was held in check by the law. You have now lifted that check and history is now a questionable indicator.
3 *People have moved here with an express purpose of growing(outdoor) their pot.* Yes, that's right - a gentleman sitting right behind me at the meeting said that. Word will spread(nice place, that Shady Cove!) and more will come.
4 *The city will be sued if outdoor grows are outlawed!* This was announced several times by several different people, almost as if they were rehearsed. Nonsense!
5 *The residents need to be educated about mj.* This issue came up several times. I didn't understand what they were talking about so I guess I'm among those who need to be educated.
6 *The Stench.* This was probably the largest issue with the "anti-grow" group, yet you minimized it. You drove one woman from the meeting in frustration and tears. One gentleman discussed the potential devaluation of property. You diminished that with the 26 year experience comments.
7 *Illegal transport and sales across state lines.* One fellow said pot from here was being transported back east and sold. I believe you said that was not relevant to the outdoor grow discussion. I think it is, especially in light of the comments made by Emily(Kush Gardens) about local growers selling product in excess of their needs to her(...and another incident highlighted on the front page of a recent copy of the local newspaper...). I don't believe Kush Gardens marketing is confined to Oregon. What if, by some odd set of circumstances, that product was transferred to another state to be sold? Does that make a local, unsuspecting grower, complicit in illegal activity? Just a thought!

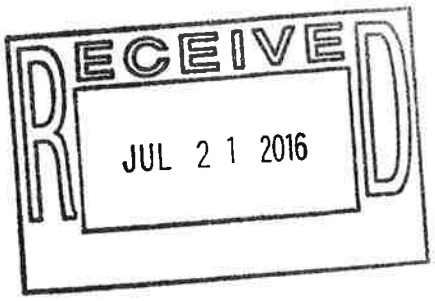
Like a person, the beauty of a city is defined not only by outward appearance, but also by all the internal things that generate it's spirit. Cities find their strength in a cooperative relationship between governing officials and the citizens.

Ordinance establishment by city council rather than by citizen ballot is efficient, but it also must be fair. The electorate must believe their best interests are being substantially served. Majority rule does not simply reflect the majority number of votes of the council. It is a reflection of the interests of the majority of the citizens. I don't believe your decision even remotely serves the interests of the majority of the citizens of Shady Cove. Guy Allen

1
2

Leslie Schopf

Shady Cove, Oregon 97539



Dear City of Shady Cove,

I moved to Shady Cove in April of 2016. I suffer from reverse lordosis, osteoarthritis, and disc regeneration in my cervical spine. The main reason I would like to grow my own medicine is because it is cost effective. I have control over my own medical treatment needs. One of the reasons I moved to Shady Cove is so I can grow my own medicine. It is too expensive to buy medicine that I need to take chronically everyday of my life. Cannabis treats my chronic pain, nausea, and anxiety. I cannot take opioids for pain because I am allergic. Cannabis is the only thing that helps with my pain.

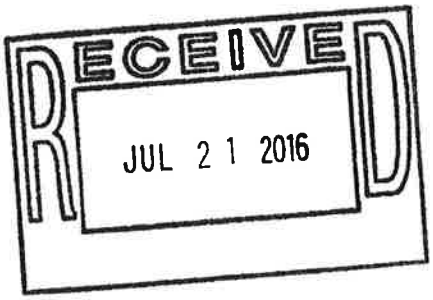
I currently cannot afford to pay the application fee for an OMMP card which means I have to pay the 25% tax to the State of Oregon when I purchase my medication in a dispensary. I am asking the City of Shady Cove to reconsider the ban they have in place for Recreational Outdoor Grows. I only have the need to grow a couple of plants to meet my medicinal needs.

Sincerely,

Leslie Schopf

Keith Decosta

Shady Cove, Oregon 97539



Dear Shady Cove City Council,

My name is Keith Decosta. I bought a home and moved my family to Shady Cove July of last year. I have found Shady Cove to be quiet, beautiful with low a crime rate.

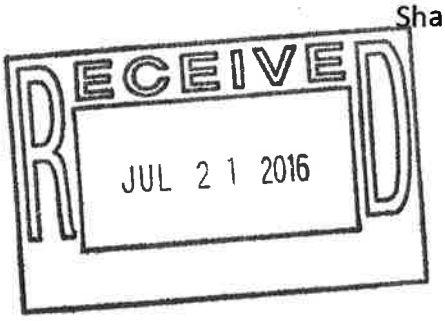
One of the main reasons I chose Shady Cove over White City, Medford, or Central Point, was because of my ability to be able to grow cannabis recreationally. We are permitted four plants by the State of Oregon. I use cannabis to treat a medical condition. The ability to grow my own medicine allows me to not pay expensive prices in the dispensaries because, without a medical card, I have to pay a 25% tax to the State. This is making it difficult to continue to afford my medication. Medical cards

As a resident of Shady Cove, I respectfully as the City Council to reconsider the ban that has been put on Recreational Outdoor Grows.

Sincerely, Keith W Decosta

Keith Decosta

Shady Cove, Oregon 97539



July 18, 2016

City of Shady Cove
P.O. Box 1210
22451 Highway 62
Shady Cove, OR 97539

Dear Tom Anderson, Steve Mitchell, John Burgess, Jim Ulrich, and Tom Sanderson:

Shady Cove offers an environment that not only provides necessary goods and services but also music outdoors in the summer, rafting and fishing, a library, a patrolling officer, a fire department, a highly regarded school system, several nearby parks, hiking trails, quaint shops, places to eat, hotels, an influx of tourism in the summer and, of course, a beautiful river winding through the community. Amazingly with all of these amenities and opportunities, this tiny town lies only 20 miles from the largest city in Southern Oregon! Clearly there are many things about Shady Cove to embrace and to protect.

Decisions made by the city council, directly impact Shady Cove's community and frame the foundation upon which the city's future stands. This responsibility requires city council members to engage in nonpolitical problem solving with thoughtfulness, thoroughness, research, and a nonbiased listening process relevant to the concerns of the citizenry. Significant decisions impacting community members should include concrete/ doable and realistic solutions addressing the *unintended consequences* that could occur due to decisions made, e.g. how and who can monitor grows hidden behind fences?

Currently, the city council decision as to whether medical marijuana within the city limits should be grown indoors only or if outdoor grows will be allowed is a decision that not only effects growers but neighbors and neighborhoods. (With that it in mind, *it is very important to note the majority of the voters in Shady Cove voted against the legalization of marijuana, medical or recreational. Though a small majority, it represents a legal voting majority. That fact should not be cavalierly ignored by council members/ mayor as it indicates a lower tolerance for outdoor grows of any kind.*

Understand that though many support the valid use of medical marijuana that does not imply support of open grows of medical marijuana within the city limits. During the last city council meeting, it was stated by council members that if outdoor grows were not allowed, some individuals would not be able to afford the cost of medical marijuana. That fact is unfortunately sadly true. However, it is also true that there are few medications that are free for anyone. It is significantly important to recognize that *there are few medications (if any) involving outdoor growing practices that come with implications and potential negative consequences for nearby neighbors (adults and children) and/ or property owners.*

In reality receiving approval for a medical marijuana card is not a stringent process. Unfortunately, because of this ease of access, having such a card does not necessarily represent an individual that NEEDS marijuana for medical purposes. With medical card laxness, the growth of medical and recreational use becomes blurred. Also, in some households more than one individual holds a marijuana card, so the number of legal plants grown outdoors can double, triple, etc.

There is little doubt that both medical and recreational products from marijuana will provide a revenue stream to the city and the state; however, that revenue comes with several concerns. Consider the following significant issues being currently studied heavily in many cities and states:

Monitoring grows related to adherence of laws and legalities... Since grows outdoor are required to be kept behind fences, it is extremely difficult (for a law enforcement officer or neighbors) to know whether an outdoor grow adheres to the legal requirements. One cannot see what is being done or what is inside unless breaching the fence. *That said, expecting residents who live next door to outdoor grows to be placed in the position of having to "put up" with related issues seems like a very poor, and unreasonable solution. In fact, such a solution can p*otentially p*it neighbors against neighbors, eroding any sense of community.*

Crime.... It was mentioned in the council meeting that the illegal sale of marijuana being grown in Shady Cove has been tracked to other states...As of June 15 one of the owners of Kush Gardens has been charged with 2 felony counts for selling marijuana in CA. Unfortunately, there is a potential criminal element where marijuana is being sold or grown.

Water use particularly in drought years..... Losing water access is a true concern for those on wells. It is significant several Shady Cove folks have had new wells drilled or must have water storage tanks due to drought. Marijuana is an agricultural crop requiring water. Increased grows in the city limits, increases water demand and can cause individuals with low yield wells the loss of water and the financial costs of re-drilling. (Also, what other agricultural 'crops' are allowed within the city limits?)

Smell... Some residents living by marijuana grows report the smell impacts their enjoyment outdoors *while on their own property*. (Scientific studies confirm the marijuana grows produce a noxious smell.) Why should a neighbor on his/ her own property have to put up with that issue, especially when it cannot be monitored due to the inability to see the number of plants being grown? How many times will a resident have to complain to the city before action is actually taken?

Community Environment... Some folks have openly stated they moved to Shady Cove to grow marijuana **in the** area and are encouraging like-minded friends to come here for the same reason.

So, again, the question becomes what kind of future environment do Shady Cove's city fathers want to foster and protect? It is often easier to create requirements that are tighter than to try and change or control those regulations that are initially designed with no attention to predictable unintended consequences. With all due respect, the decision to allow outdoor grows and the attending implications within the city limits of Shady Cove needs to be reconsidered.

Sincerely,

Carleen McKinney

John A. McKinney

Carleen and John McKinney

Dear Mr. Mayor and Councilors:

I would first like to state my definite opposition to outdoor marijuana grows within the city of Shady Cove.

I don't want to create problems with the availability or affordability of medical MJ for those who find comfort
with its use. Before it was legalized, people who use it seemed to be able to afford it, whether they grew it themselves illegally indoors, or purchased it on the market. There should be no difference now. With the abundance of unsightly grows in the surrounding area, it only makes sense that the price of MJ will become more affordable.

My wife and I purchased our home on Rene Dr, in 1998. Admittedly, we escaped the lands to the south for the serenity of Shady Cove. We never expected to have the controversy that exists today. We feel that outdoor grows will create a blight on the city, that they will potentially invite a criminal element, and ultimately will cause property values to decrease. I don't want to get into a feud with friends, neighbors, or anyone, but I strongly feel outdoor growing within the city is wrong for our community. I would not oppose indoor grows, though I would prefer none. Thank you,

Bill Kroeger
Shady Cove, OR 97539

Date	Check	Payee	Description	Amount
08/12/2016	42675	Caselle, Inc.	Software Maintenance and Support	585.00
08/12/2016	42676	Celtic Circle	Shop Rental	700.00
08/12/2016	42677	Jackson County Health & Human Services	Dead Animal Pick Up	48.00
08/12/2016	42678	Mary Gunderlock	Website - Monthly Update	150.00
08/12/2016	42679	Rapid Pleasure Rafting Co.	JaCo. FD#4 Raft Donation	250.00
08/12/2016	42680	Shady Cove Hardware, LLC	Park	104.90
Grand Totals:				1,837.90

City of Shady Cove

Ordinance

AN ORDINANCE OF THE CITY OF SHADY COVE, OREGON, LIMITING THE NUMBER OF RECREATIONAL AND MEDICAL MARIJUANA PLANTS GROWN OUTDOORS

WHEREAS, in November 1998, Oregon voters approved the Oregon Medical Marijuana Act (OMMA) which allowed medical use and possession of marijuana, and in 2013 the Oregon legislature approved House Bill 3460 amending the OMMA to allow medical marijuana dispensaries (collectively "OMMA"); and

WHEREAS, in November 2014, Oregon voters approved Measure 91, legalizing personal possession, growth, processing, delivery, and sale of non-medical marijuana; and

WHEREAS, OMMA, Measure 91 and subsequent legislation fail to address local regulation and impact of the growing of medical and recreational marijuana in City limits, which the City Council has found to be a substantial and important issue implicating health, welfare and safety concerns within the City of Shady Cove; and

WHEREAS, marijuana plants, whether grown indoors or outdoors, especially as they mature prior to harvest, may produce a distinctive odor that may be detectable far beyond property boundaries; and

WHEREAS, the strong smell of marijuana may create an attractive nuisance, alerting persons to the location of the valuable plants, and creating a risk of burglary, robbery and armed robbery; and

WHEREAS, the City of Shady Cove is a home-rule Municipal corporation; and

WHEREAS, OMMA, Measure 91 and subsequent legislation regulate the number of marijuana plants a person may legally grow on their property; and

WHEREAS, the City of Shady Cove regulates the place and manner in which a person may grow marijuana.

NOW, THEREFORE, the council of the City of Shady Cove ordains as follows:

The City of Shady Cove hereby limits recreational and medical marijuana grows in the City limits, as follows:

SECTIONS

Section 1. Intent and Purpose

Section 2. Definitions
Section 3. Recreational and Medical Marijuana Subject to Regulation
Section 4. Public Nuisance Remedy
Section 5. Violation
Section 6. Conflict of Laws
Section 7. Severability

Section 1. Intent and Purpose

The City Council of the City of Shady Cove recognizes that citizens of the State of Oregon may engage in both recreational and medicinal use of marijuana in accordance with State law. However, the City Council also recognizes that cultivating, drying, producing, processing, keeping, or storage of marijuana, without appropriate safeguards in place, can have a detrimental effect upon public safety and neighboring citizens. The City Council finds and declares that the health, safety, and welfare of its citizens are promoted by requiring marijuana cultivators engaged in recreational or medicinal cultivation, drying, producing, processing, keeping, or storage of marijuana to ensure that said marijuana is not accessible, visible, or odorous to other persons or property, or otherwise illegal under Oregon state law.

Section 2. Definitions

"Household" means a housing unit, and includes any indoor structure or accessory dwelling unit in or around the housing unit at which the occupants of the housing unit are cultivating, drying, producing, processing, keeping, or storing recreational marijuana.

"Housing unit" means a house; a mobile home; a manufactured home; and/or a group of rooms, or a single room that is occupied as separate living quarters, in which the occupants live and eat separately from any other persons in the building and which have direct access from the outside of the building or through a common hall including an individual residential unit in an apartment, duplex, townhome, condominium, or senior living facility.

"Indoors/Indoor Structure" means within a fully enclosed and secure structure that complies with the Oregon Residential Specialty Code (ORSC) or Oregon Structural Specialty Code (OSSC), as adopted by the City of Shady Cove, which has a complete roof enclosure supported by connecting walls extending from the foundation/slab to the roof. The structure must be secure against unauthorized entry, accessible only through one or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as 2" x 4" or larger wood studs covered with 3/8" or thicker weather-resistant siding or equivalent materials. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

"Marijuana" means all parts of the plant Cannabis family Moraceae, including, but not limited to, its dried leaves and flowers, any marijuana products derived therefrom. The

term includes any and all recreational marijuana, medical marijuana, non-medical marijuana, and marijuana products as defined in this section.

"Marijuana cultivator" means a medical marijuana grower, recreational marijuana grower, patient, and any landlord or property owner allowing marijuana to be cultivated, dried, produced, processed, kept or stored at a premises.

"Marijuana products" means products that contain marijuana or marijuana extracts and are intended for human consumption.

"Medical Marijuana" means the marijuana cultivated, dried, produced, processed, kept or stored for medicinal use in accordance with the OMMA.

"Medical Marijuana Grower" means any person engaged in the cultivation, drying, production, processing, keeping or storage of medical marijuana in accordance with state law, and includes, but is not limited to the meaning set out at OAR 333-008-0010.

"Medical Marijuana Grow Site" means a location registered pursuant to ORS 475.304 where medical marijuana is produced for use by a patient.

"Patient" means a person who has been diagnosed by an attending physician with a debilitating medical condition and for whom the use of medical marijuana may mitigate the symptoms or effects of the person's debilitating medical condition, and who has been issued a registry identification card by the Oregon Health Authority.

"Premises" means an household, medical marijuana grow site, recreational marijuana grow site, and/or primary residence of a patient.

"Property" means any lot, parcel, home, business or public right-of-way.

"Recreational Marijuana" means any marijuana cultivated, dried, produced, processed, kept or stored for personal recreational use by a person 21 years of age or older in accordance with State law.

"Recreational Marijuana Grower" means a person 21 years of age and older engaged in the cultivation, drying, production, processing, keeping, or storage of recreational marijuana in accordance with State law.

"Recreational Marijuana Grow Site" means a location in which a person 21 years of age and older cultivates, dries, produces, processes, keeps or stores recreational marijuana in accordance with State law.

Section 3. Recreational and Medical Marijuana Subject to Regulation

A. Marijuana Cultivators shall be allowed to cultivate, produce, and/or process recreational marijuana and medical marijuana subject to the following

conditions:

1. Cultivation, production, possession, and processing of marijuana must be in full compliance with all applicable provisions of OMMA, OLCC and all current state legislation, Oregon administrative rules and Oregon revised statutes.

2. Cultivation, drying, curing, storage, production, or processing, of recreational marijuana shall be conducted indoors.

3. Cultivation, production, processing, or storage of marijuana shall not be perceptible from the exterior of the household, housing unit, tax lot, parcel and/or indoor structure including but not limited to:

   a. Common visual observation, which would prohibit any form of signage;

   b. Odors, smells, fragrances, or other olfactory stimulus;

   c. Light pollution, glare, or brightness that disturbs the repose of another;

   d. Undue vehicular or foot traffic, including excess parking within a residential zone; and

   e. Excessive noise in violation of Shady Cove Code of Ordinances, Section 90.

4. Cultivation, production, or processing of marijuana plants shall be within a secure, defined area.

5. Cultivation, production, or processing of marijuana shall meet the requirements of all adopted City building and life/safety codes.

6. Cultivation, production, or processing of marijuana shall meet the requirements of all adopted water and sewer regulations promulgated by the City or State, or any special district having jurisdiction.

7. 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 passersby, vandals or anyone not licensed or authorized to possess medical or recreational marijuana.

8. Cultivation, production, or processing of marijuana in residential zones or in a housing unit shall meet the following requirements:

   a. Cultivation, production, or processing of marijuana shall only be conducted within the primary residence of the marijuana cultivator;

b. 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; and

c. For purposes of this ordinance, "primary residence" means the place that a person, by custom and practice, makes his or her principal domicile and address and to which the person intends to return, following any temporary absence, such as vacation. 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.

9. 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 recreational marijuana.

B. Medical marijuana growers and medical marijuana grow sites shall be exempt from Section 3(A)(4) of this ordinance to the extent they may grow up to, but not more than, six (6) marijuana plants outdoors, on a single tax lot or parcel. All applicable setbacks and other residential zoning provisions shall apply.

C. Licensed commercial grows, as defined in Measure 91 or subsequent legislation, rules or statutes, are prohibited in all residential zones.

Section 4. Public Nuisance Remedy

A. Any household, housing unit, premises, property, building, structure or place of any kind where medical or recreational marijuana is grown, processed, manufactured, bartered, distributed or given away in violation of state law or this chapter, or any place where medical or recreational 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 Shady Cove Ordinance 274, or Shady Cove Code of Ordinances, Section 90.

B. In addition to the foregoing, three or more violations in a 30-day period shall constitute a chronic nuisance subject to the provisions of Shady Cove Ordinance 274, or Shady Cove Code of Ordinances, Section 90.

C. In addition to any remedies provided in Shady Cove Ordinance 274, or Shady Cove Code of Ordinances, 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.

Section 5. Violation

In addition to treatment as a nuisance, all violations of this title are subject to punishment under the general penalty provisions in Shady Cove Ordinance 274, or Shady Cove Code of Ordinances, Section 90. Each day in which a violation continues shall constitute a separate violation.

Section 6. Conflict of Laws

In the event of any conflict between the provisions of this Ordinance and the provisions of any other applicable state or local law, the more restrictive provision shall control.

Section 7. Severability

The sections, subsections, paragraphs and clauses of this Ordinance are severable. The invalidity of one section, subsection, paragraph or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

Adopted by the City Council of the City of Shady Cove this _____ day of August 2016.

Approved:

_____
Tom Anderson
Mayor

Attest:

_____
Aaron Prunty
City Administrator

Council Vote:

Mayor Anderson _____
Councilor Ulrich _____
Councilor Sanderson _____
Councilor Burgess _____
Councilor Mitchell _____