

Exhibit A (Ordinance No. 2015-07)

Proposed Code Amendment – Chapter 5, Public Nuisances, Residential Marijuana Cultivation

Code Amendments (new text is **red**; deleted text is ~~strikethrough~~, unless otherwise stated):

5.325 Definitions. For the purposes of the Redmond Nuisance Code (Sections 5.237 to 5.380), the following definitions mean:

Enclosed and Locked Space. Is a space that is enclosed in a manner that prevents entry and is secured at all points of ingress or egress with a locking mechanism such as a key or combination lock designed to limit access,

Marijuana cultivation or cultivate. All phases of growth of marijuana from seed to harvest; or preparing, processing, packaging, or labeling of marijuana.

Marijuana. All parts of the plant genus *Cannabis*, whether growing or not, the seeds thereof, the resin extracted from any portion of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin, including marijuana concentrate.

5.335 Public Nuisances. The following shall be deemed Public Nuisances within the City of Redmond:

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20. **Residential Marijuana Cultivation.** The residential cultivation of marijuana is designated as a public nuisance unless the cultivation is conducted as provided in this code. In addition, non-compliance with this code section is designated as a public nuisance. It is the purpose of this code to require that persons growing marijuana in a residential setting within the city limits do so in a safe manner that does not disrupt the use and enjoyment of other property owners, endanger the public health, safety, and welfare, or create a public nuisance per the following regulations

A. **Residential Accessory Use.** Marijuana cultivation shall occur only as an accessory use to a legally established residence.

B. **Public View.** The growing and processing of marijuana plants must not be observable from the public right-of-way, which includes the public sidewalks.

C. **Inside Cultivation.** Residential marijuana cultivation shall only take place in an enclosed, locked space, and shall ~~is not~~ be conducted openly or in public view.

1. All buildings used for the cultivation of marijuana shall be constructed of solid materials and be provided with locking doors. The door shall remain locked at all times when the property owner or tenant is not within the building.
 2. The structural space where marijuana is grown, cultivated or processed shall meet all applicable local and state regulations.
 3. This subsection (5.335.20.C) shall not apply to existing residential medical marijuana cultivation until January 1, 2016.
- D. **Adverse Impacts to Neighbors.** Marijuana cultivation shall not adversely affect the health or safety of nearby residents by creating noise, noxious gasses and/or odor.
1. The smell or odor of marijuana growing within the residential structure shall not be capable of being detected by a person with a normal sense of smell from any adjoining lot, parcel, or tract of land not owned by the owner of the residential structure or from any adjoining public right of way.
 2. Cultivation shall not create an odor, humidity or mold problem on the subject property or adjacent property, nearby property or areas open to the public.
 3. Cultivation of marijuana shall not violate any other provisions of this code, including Section 5.335.15.
- E. **Chemical Extractions.** No chemical shall be used at the residential property to enhance or extract tetrahydrocannabinol from marijuana that is grown in a residential structure.
- F, **Sale.** The marijuana grown on residential property shall not be made available for sale.