

ORDINANCE 2018-1

**AN ORDINANCE ESTABLISHING RULES FOR
MARIJUANA BASED RESIDENTIAL BUSINESSES FOR THE CITY OF MAYWOOD
PARK**

THE CITY OF MAYWOOD PARK DOES ORDAIN AS FOLLOWS:

A. When authorized by state law, an authorized grower shall be allowed to cultivate marijuana only in a private residence in a residential zone, only indoors, and only for personal use, subject to the following regulations:

1. The marijuana cultivation area shall be located indoors within a residential structure and shall not exceed fifty square feet and not exceed ten feet in height, nor shall it come within twelve inches of the ceiling or any cultivation lighting. Cultivation in a greenhouse on the property of the residence but not physically part of the home is permitted, as long as it is fully enclosed, secure, and not visible from a public right-of-way and meeting all requirements in this chapter.
2. Marijuana cultivation lighting shall not exceed one thousand two hundred watts in total for the total cultivation area within the residence.
3. The use of gas products such as but not limited to CO₂, butane, methane, or any other flammable or nonflammable gas for marijuana cultivation or processing is prohibited.
4. There shall be no exterior visibility or evidence of marijuana cultivation outside the private residence from the public right-of-way, including but not limited to any marijuana plants, equipment used in the growing and cultivation operation, and any light emanating from cultivation lighting.
5. The authorized grower shall reside full-time in the residence where the marijuana cultivation occurs.
6. The authorized grower shall not participate in marijuana cultivation in any other location within the city.
7. The residence shall include fully functional and usable kitchen, bathroom, and bedroom areas for their intended use by the resident authorized grower, and the premises shall not be used primarily or exclusively for marijuana cultivation.
8. The marijuana cultivation area shall not result in a nuisance or adversely affect the health, welfare, or safety of the resident or nearby residents by creating dust, glare, heat, noise, noxious gases, odors, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes. Nuisances are better described in section D.

9. Marijuana in excess of twenty-eight and one-half grams produced by plants kept for indoor personal cultivation under this chapter must be kept in a locked space on the grounds of the private residence not visible from the public right-of-way.

B. Outdoor cultivation of marijuana and cultivation of marijuana for non-personal uses are expressly prohibited in all zones and districts of the city of Maywood Park.

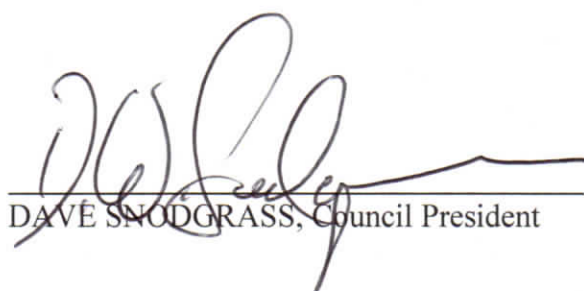
C. It is hereby declared to be unlawful, a public nuisance and a violation of this chapter for any person owning, leasing, occupying, or having charge or possession of any parcel within the city to cause or allow such parcel to be used for the cultivation of marijuana, unless the person is authorized by state law to grow marijuana for a specifically authorized purpose within a private residence in a residential zone, and such authorized grower is complying with all requirements of this ordinance.

D. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel within the city to create a public nuisance in the course of cultivating marijuana plants or any part thereof in any location, indoor or outdoor. A public nuisance may be deemed to exist, if such activity produces:

1. Odors which are disturbing to people of reasonable sensitivity residing or present on adjacent or nearby property or areas open to the public.
2. Repeated responses to the parcel by law enforcement personnel. Repeated responses that would be sufficient to deem as a nuisance and cause a violation would be 3 in a 30 day period.
3. A repeated disruption to the free passage of persons or vehicles in the neighborhood, excessive noise which is disturbing to people of normal sensitivity on adjacent or nearby property or areas open to the public.
4. Any other impacts on the neighborhood which is disruptive of normal activity in the area including, but not limited to, grow lighting visible outside the dwelling, excessive vehicular traffic or parking occurring at or near the dwelling, and excessive noise emanating from the dwelling. Trucks for the purpose of delivery and shipment shall not visit the business more than twice per day and not after 5 p.m. During shipment and deliveries no marijuana shall be visible.
5. Outdoor growing and cultivation of marijuana.

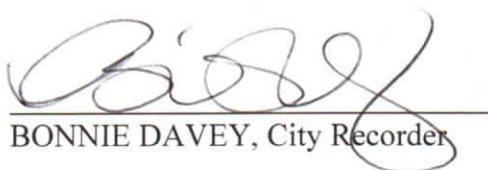
The City Council hereby declares an emergency, declaring that this Ordinance is immediately necessary to secure the continued general public health and general welfare of the citizens of the City of Maywood Park, and that this Ordinance is immediately necessary to conserve, stabilize, and protect property within the incorporated area of the City of Maywood Park. The Ordinance shall take effect and be in force immediately.

PASSED AND APPROVED by the City Council of the City of Maywood Park on the 19TH day of February, 2018.



DAVE SNODGRASS, Council President

ATTEST:



BONNIE DAVEY, City Recorder