

Ordinance 1511
(Version 1)

AN ORDINANCE OF THE TOWN OF STEILACOOM, WASHINGTON, ESTABLISHING
A NEW CHAPTER 18.48 OF THE TOWN ZONING CODE DEFINING AND
REGULATING MARIJUANA RELATED USES

Whereas, the Council finds that marijuana is controlled substance under Federal law, specifically 21 USC §841(a)(1), the Controlled Substances Act, and the possession, use and manufacture of marijuana is a crime under Federal law. The Council further finds that the provisions of Chapters 69.50 and 69.51A RCW have removed the State criminal penalties for the possession, use and manufacture of marijuana in small amounts and in certain situations; and

Whereas, the Council finds that the illegal trade in marijuana is highly lucrative and in the control of criminals and criminal organizations; and

Whereas, the Council finds that the public interest requires law enforcement oversight to ensure that the illegal trade in marijuana does not usurp the limited market in medical marijuana and recreational marijuana allowed by Chapters 69.50 and 69.51A RCW, and

Whereas, the Council finds that in order to effectively regulate marijuana collective gardens, marijuana processors, marijuana producers and marijuana retailers, law enforcement needs unrestricted access without notice or cause; and

Whereas, the Council finds that law enforcement must respect residential private property rights, and cannot enter residences without notice or cause. Therefore, the Council finds that marijuana collective gardens, marijuana processors, marijuana producers and marijuana retailers are not compatible with residential zones, or with residences established in any other zone; and

Whereas, the Council finds that the Parks and Open Space zone and the Public/Quasi-Public zone are incompatible with the intent of marijuana collective gardens, marijuana processing, marijuana production and/or marijuana retailing due to the public nature of the properties within the zones and the uses allowed within those zones; and

Whereas, the Council finds that the Commercial Shoreline zone is intended for marine related commerce, recreation and public use, and is therefore not compatible with the intent of marijuana collective gardens, marijuana processing, marijuana production and/or marijuana retailing. Additionally, all Commercial Shoreline zones are within 1000 feet of established Town or County parks; and

Whereas, the Council finds that all Commercial General zones within the Town are within 1000 feet of established Town or County parks, schools, recreation centers or the public library, and are therefore not compatible with the intent of marijuana collective gardens, marijuana processing, marijuana production and/or marijuana retailing, and

Whereas, the Council finds that the Industrial zone is within 1000 feet of established Town or County parks, schools, recreation centers or library, and are therefore not compatible with the intent of marijuana collective gardens, marijuana processing, marijuana production and/or marijuana retailing.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF STEILACOOM, PIERCE COUNTY, WASHINGTON:

Section 1. New section. A new chapter is added to Title 18, Steilacoom Municipal Code, to be known as Chapter 18.48 Marijuana Related Uses, and consisting of the following sections:

18.48.010 Medical Cannabis Collective Gardens - definition

The terms "medical cannabis collective garden" and "collective garden" mean the growing, production, processing, transportation, and delivery of cannabis, by qualifying patients for medical use, as set forth in Chapter 69.51A RCW, and subject to the following conditions:

- A. A collective garden may contain no more than fifteen plants per patient up to a total of forty-five plants;
- B. A collective garden may contain no more than twenty-four ounces of usable cannabis per patient up to a total of seventy-two ounces of usable cannabis;
- C. A copy of each qualifying patient's valid documentation, including a copy of the patient's proof of identity, must be available at all times on the premises of the collective garden;
- D. No useable cannabis from the collective garden is delivered to anyone other than one of the qualifying patients participating in the collective garden;
- E. A collective garden may contain separate areas for growing, processing, and delivering to qualifying patients, provided that these separate areas must be physically part of the same premises, and located on the same parcel or lot. A location utilized solely for the purpose of distributing cannabis shall not be considered a collective garden; and
- F. No more than one collective garden may be established on a single tax parcel.

18.48.020 State-licensed facilities – definitions

- A. Unless the context clearly indicates otherwise, all terms used in this Chapter shall have the same meanings established pursuant to RCW 65.50.101.
- B. "Marijuana" means all parts of the plant cannabis, whether growing or not, with a THC concentration greater than zero point three percent (.03%) on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seeds of the plant which is incapable of germination.

C. "Marijuana processor" means a person licensed by the state liquor control board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers.

D. "Marijuana producer" means a person licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

E. "Marijuana-infused products" means products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana-infused products" does not include useable marijuana.

F. "Marijuana retailer" means a person licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet.

G. "Useable marijuana" means dried marijuana flowers. The term "useable marijuana" does not include marijuana-infused products.

18.48.030 Medical Cannabis Collective Gardens

A. Collective gardens as defined in SMC 18.48.010 are prohibited in the following zoning districts:

1. All single-family and multi-family residential zones, including R-7.2, R-9.6 and MF.
2. All commercial and industrial zones, including CG, CS and I.
3. All public zones, including P/QP and P/OS.
4. Any new zoning district established after January 10, 2014.

B. In addition to any other applicable remedy and/or penalty, any violation of this section is declared to be a public nuisance per se, and may be abated under applicable provisions of this code or state law, including Chapter 9.12 SMC.

C. Nothing in this section is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building, or use which violates any Town, state, or federal law or statute.

18.48.040 Marijuana Related Uses

A. The production, processing and retailing of marijuana is and remains illegal under federal law. Nothing herein or as provided elsewhere in the ordinances of the Town of Steilacoom is an authorization to circumvent federal law or provide permission to any person or entity to violate federal law. Only state-licensed marijuana producers, marijuana processors, and marijuana retailers may locate in the Town of Steilacoom and then only pursuant to a license issued by the State of Washington. The purposes of these provisions is solely to acknowledge the enactment by Washington voters of Initiative 502 and a state licensing procedure and to permit to, but only to, the extent required by state law marijuana producers, marijuana processors, and marijuana retailers to operate in designated zones in the Town.

B. Marijuana producers, marijuana processors and marijuana retailers as defined in SMC 18.48.030 are prohibited in the following zoning districts:

1. All single-family and multi-family residential zones, including R-7.2, R-9.6 and MF.
2. All commercial and industrial zones, including CG, CS and I.
3. All public zones, including P/QP and P/OS.
4. Any new zoning district established after January 10, 2014.

B. In addition to any other applicable remedy and/or penalty, any violation of this section is declared to be a public nuisance per se, and may be abated under applicable provisions of this code or state law, including Chapter 9.12 SMC.

C. Nothing in this section is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building, or use which violates any Town, state, or federal law or statute.

Section 2. Effective Date

This ordinance shall be effective on January 10, 2014.

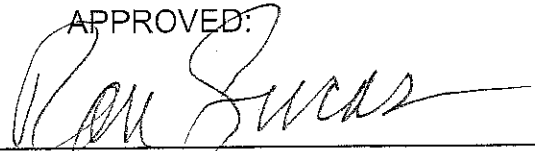
Section 3. Severability

Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any person or situation. The Town Council of the Town of Steilacoom hereby declares that it would have adopted this ordinance and each section, subsection, paragraph, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Passed by the Town Council of Steilacoom on the 7 day of January, 2014

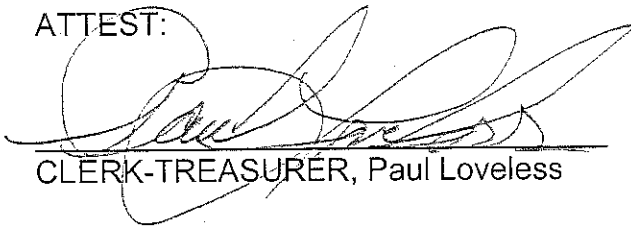
Approved by the Mayor of the Town Steilacoom on the 7 day of January, 2014

APPROVED:



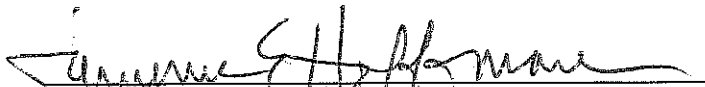
MAYOR, Ron Lucas

ATTEST:



CLERK-TREASURER, Paul Loveless

APPROVED AS TO FORM:


TOWN ATTORNEY, Lawrence E. Hoffman

Filed with the Town Clerk: January 3, 2014
Passed by the Town Council: January 7, 2014
Published: January 10, 2014
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