

ORIGINAL

ORDINANCE NO. 625

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, RELATING TO COLLECTIVE GARDENS FOR THE GROWING AND DISTRIBUTION OF MEDICAL CANNABIS, EXTENDING INTERIM LAND USE CONTROLS FOR SIX MONTHS AND ADOPTING A NEW REGULATORY LICENSE FOR COLLECTIVE GARDENS AND AMENDING CHAPTER 5.07 OF THE SHORELINE MUNICIPAL CODE

WHEREAS, E2SSB 5073 (the Act) effective on July 22, 2011 authorizes "collective gardens" which would allow up to ten qualifying patients the ability to produce, grow and deliver cannabis for medical use; and

WHEREAS, the Act authorizes local municipalities to exercise local location, health and safety controls for the regulation of collective gardens; and

WHEREAS, the City Council established interim regulations with passage of Ordinance No. 611 on July 18, 2011 and held a public hearing on September 12, 2011 on these interim regulations, and based on comment received, amended the interim regulations with Ordinance No. 614; and

WHEREAS, a determination of nonsignificance (DNS) was issued under SEPA on December 2, 2011 on proposed permanent land use regulation of collective gardens; and

WHEREAS, the Planning Commission held a public hearing on the collective garden interim regulations on December 1, 2011, and recommended permanent land use regulation and the creation of a new regulatory license to control operations necessary to protect public health and safety; and

WHEREAS, Governor Gregoire's veto of most sections of the Act leave ambiguity, conflicts and unresolved needs in the State's criminal defense scheme for patients using medical cannabis, and it is anticipated the 2012 legislative session will address and clarify laws relating to this defense including the establishment, operation, and financing of collective gardens or other medical cannabis distribution entities, which will likely require Shoreline ordinances which provide consistency with state law; and

WHEREAS, the Council finds it is a better use of City resources and it minimizes disruption to collective gardens established under Shoreline's interim land use regulations to extend those regulations no longer than six months to study any new legislation regarding medical cannabis before proceeding to act on permanent land use regulations regarding collective gardens; and

WHEREAS, continuing interim land use controls for up to six additional months is necessary to prevent substantial change until final land areas and development standards applicable to collective gardens are adopted in the municipal code; and

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WHEREAS, the regulatory license recommended by the Planning Commission, including those recommended controls on collective gardens that are appropriately enforced through such a license, should be adopted without delay as authorized by the Act; now therefore

THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Interim land use regulations extended. Based on comments of the public hearing on interim regulations for collective gardens held by the Planning Commission on December 1, 2011, the City Council adopts and incorporates herein the recitals above as findings of fact in support of extending the interim land use regulations of Shoreline Ordinance No. 611 as amended by Ordinance No. 614 pursuant to RCW 36.70A.390. These interim regulations shall remain in effect until July 18, 2012 unless amended or repealed according to law before that date.

Section 2. Permanent regulations. The City Council directs the staff to prepare an analysis of changes, if any, in state law regarding medical cannabis or other legalization of cannabis distribution passed in the 2012 legislative sessions and refer draft permanent land use regulations deemed necessary or appropriate based on the analysis to the Shoreline Planning Commission for review and recommendation to the City Council.

Section 3. New Sections. A new Article VII *Collective Gardens* is added to chapter 5.07 of the Shoreline Municipal Code to read as follows:

.740. Definitions.

- A. "Designated Provider" is defined in RCW 69.51A.010(
- B. "Qualifying Patient" is defined in RCW 69.51A.010
- C. "Valid documentation" is defined in RCW 69.51A.010(7)

.745 Purpose. The purpose of this regulatory license is to mitigate potential impacts of collective gardens on nearby properties and to promote public safety through enforcement of zoning restrictions, state controlled substances laws, and license requirements of this chapter. This license shall not be construed as authorizing violation of any City, State or federal drug laws.

.750 License required- requirements for operators

A. It is unlawful to conduct, operate or maintain a collective garden unless such premises has a current Collective Garden License obtained in the manner prescribed in this chapter. Premises includes all locations used by a collective garden to grow, store, process, transport, or distribute medical cannabis to its qualified patients. No more than one Collective Garden License may be issued for a tax parcel.

B. License applicants and all persons who receive wages, fees, donations or compensation of any kind for performing collective garden activities ("operators") shall meet the following requirements:

1) Must be a qualified patient or designated provider of a garden patient and must submit valid documentation, or written designation by a qualified

patient with that patient’s valid documentation and proof of identification deemed acceptable by the clerk.

- 2) Must be at least 18 years of age.
- 3) May have no felony convictions of State or federal laws within the ten years preceding date of application.
- 4) May not be a member of any other collective garden within the State of Washington.

.755 Premises requirements. Collective Garden premises must operate in compliance with the following conditions:

- A. All premises or vehicles used or operated by the Collective Garden shall have no greater aggregate quantities of cannabis , cannabis plants or cannabis containing products than are allowed under RCW 69.51A.085.
- B. No more than ten qualifying patients may participate in a single collective garden at any time. A copy of each qualifying patient’s valid documentation and proof of identity must be available at all times on the premises.
- C. No cannabis may be delivered to anyone other than a qualifying patient participating in the collective garden or that patient's designated provider.
- D. No cannabis, cannabis plants or representations of cannabis plants shall be used in signage, advertising or visible to public view or in areas of the premises open to the public.
- E. Areas where cannabis is grown, stored or dispensed must be provided with ventilation systems so that no odors are detectable off the premises.
- F. No minors shall be permitted on any collective garden premises unless accompanied by a parent or guardian.
- G. Consumption of cannabis, products containing cannabis or alcohol on the premises is prohibited.
- H. The premises shall be closed to any distribution of cannabis between the hours of 10 p.m. and 7 a.m.

Section 4. Amendment. SMC 3.01.035(B) General Licenses shall be amended as follows:

B. Regulatory License Fees

License	Fee
General Licenses	
Regulated massage business	\$181.75 per year
Massage manager	\$40.75 per year
Public dance	\$128.75 per Dance
Pawnbroker	\$599.50 per year
Secondhand	\$57.50 per year
Master solicitor	\$117.50 per year
Solicitor	\$29.50 per year
Collective Garden	\$599.50 per year
Duplicate license	\$5.50
Late fees for general licenses: A late penalty shall be charged on all applications for renewal of a general license received later than 10 working days after the expiration date of such license. The amount of such	

penalty is fixed as follows:

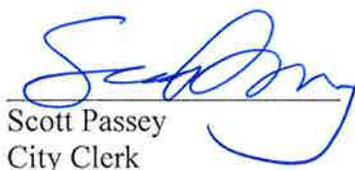
- A. For a license requiring a fee of less than \$50.00, two percent of the required fee.
- B. For a license requiring a fee of more than \$50.00, ten percent of the required fee.

Section 5. Publication, effective date. This ordinance shall take effect five days after publication of the title of this ordinance as an approved summary of the ordinance in the official newspaper of the City; provided however, Sections 3 and 4 of this ordinance shall take effect thirty days after passage.

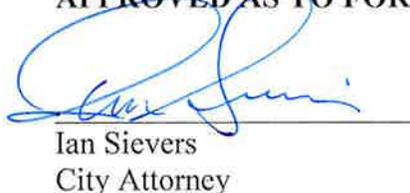
PASSED BY THE CITY COUNCIL ON JANUARY 9, 2012.


Keith A. McGlashan, Mayor

ATTEST:


Scott Passey
City Clerk

APPROVED AS TO FORM:


Ian Sievers
City Attorney

Date of publication: January 12, 2012
Effective date: January 17, 2012