

ORDINANCE NO. 1854

AN ORDINANCE OF THE CITY OF RAYMOND, WASHINGTON REPEALING CHAPTER 15.89, MEDICAL MARIJUANA COLLECTIVE GARDENS, AND REPLACING IT WITH THE REVISED CHAPTER 15.89, MARIJUANA BUSINESSES, TO ADOPT AMENDMENTS TO THE STATE OF WASHINGTON'S POLICIES REGARDING MEDICAL AND RECREATIONAL MARIJUANA LAND USES AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT.

WHEREAS, in November 2012, Washington voters passed Initiative 502, which established precedent for the production, processing, and retail sale of marijuana for recreational purposes. Pursuant to RCW Title 69 and the requirements of Chapter 314-55 WAC, the state has adopted rules establishing a statewide regulatory and licensing program for marijuana uses.

WHEREAS, since the adoption of Chapter 15.89, Medical Marijuana Collective Gardens, the Washington State Legislature has adopted and the Governor has signed into law, multiple changes affecting the regulations governing the use of medical and recreational marijuana; and

WHEREAS, on April 24, 2015, Governor Jay Inslee approved Second Substitute Senate Bill 5052 (2SSB 5052), which significantly revamped the entire medical marijuana structure in Washington State; and

WHEREAS, as a result of the passage of 2SSB 5052, the authority to operate Medical Marijuana Collective Gardens was repealed, with an established effective date of July 1, 2016; and

WHEREAS, House Bill (HB) 2136 was approved by the Legislature and signed into law by Governor Jay Inslee on June 30, 2015, in a first effort to amend Washington's recreational marijuana law; and

WHEREAS, HB 2136 specifies that local governments will establish zoning regulations for the siting of licensed marijuana businesses within their jurisdiction; and

WHEREAS, HB 2136 allows local governments to establish buffer zones around certain uses, as established in RCW 69.50.331(8)(a), from 1,000-feet to 100-feet, except buffers around schools and parks are mandated to be 1,000-feet; and

WHEREAS, in order to comply with the laws governing marijuana uses, it is necessary for the City of Raymond to adopt consistent regulations.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Raymond as follows:

Section 1. Chapter 15.89, Medical Marijuana Collective Gardens, is hereby repealed in its entirety and replaced with the following Chapter 15.89, Marijuana Businesses:

Chapter 15.89 MARIJUANA BUSINESSES

Sections:

- 15.89.010 Purpose and intent.**
- 15.89.020 Locations.**
- 15.89.030 Special regulations.**
- 15.89.040 Conflicting Codes.**
- 15.89.050 Indemnification.**
- 15.89.060 Violations.**

15.89.010 Purpose and intent.

The purpose of this chapter is to establish zoning regulations that provide for state licensed recreational marijuana businesses allowed under Title 69 RCW, and subject to requirements of Chapter 314-55 WAC, with additional local standards to address potential public health, safety, and welfare considerations.

15.89.020 Locations.

A. A marijuana retail, processing, and/or production business licensed by the Washington State Liquor and Cannabis Board (LCB) may be sited utilizing the minimum buffer requirements stipulated in RCW 69.50.331(8)(b), currently set at 100-feet. This buffer reduction will not negatively impact civil regulatory enforcement, criminal law enforcement, public safety, or public health.

B. A marijuana retail business is a permitted use in the General Commercial (GC), Downtown Waterfront Commercial (WFC), Retail Core (RC), Light Industrial (M-1), and Heavy Industrial (M-2) districts.

C. Marijuana production and/or processing businesses are a permitted use in the Light Industrial (M-1) and Heavy Industrial (M-2) districts.

D. Marijuana businesses are not permitted as a home occupation, under the provisions of Chapter 15.48.120 RMC.

E. Medical marijuana cooperatives are required to be licensed by the LCB under the requirements of Title 69 RCW and Chapter 314-55 WAC. Licensed cooperatives do not require a city business license and are permitted in all zoning districts.

15.89.030 Special regulations.

A. To operate within the City, each marijuana business is required to have a current license issued by the LCB under the provisions of Chapter 314-55 WAC and a current city business license issued under the provisions of Chapter 5.04 RMC. No application for a business license for a marijuana business shall be accepted unless the applicant has a current license issued under Chapter 314-55 WAC.

B. For signage, marijuana retail, processing, and production businesses shall be subject to the substantive requirements of Chapter 314-55-155 WAC and Chapter 15.80 RMC, whichever is more restrictive.

C. Marijuana businesses are subject to all applicable requirements of Title 69 RCW and Chapter 314-55 WAC and other city and state statutes, as they now exist or may be amended.

15.89.040 Conflicting Codes.

Any code in conflict with this code is overruled.

15.89.050 Indemnification.

The city indemnifies and holds personally harmless all of its elected and appointed officials, employees, and agents for any action, claim, or proceeding instituted against said individual arising out of the performance, purported performance, or failure of performance, in good faith, of the duties for, or the enjoyment with, the city. The city holds said individuals harmless from any expenses connected with the defense, settlement, or monetary judgments from such actions, claims, or proceedings.

15.89.060 Violations.

Violations of this chapter shall be subject to enforcement action as provided in the Uniform Controlled Substances Act, RCW Title 69, as well as subject to enforcement actions for violations of the City of Raymond Municipal Code.

Section 2. The following amendment to Chapter 15.44, Allowed and Restricted Uses Table, is hereby adopted:

Land Use	RS	RC	GC	WFC	M-1	M-2
Manufacturing						
Horticulture and agriculture (flowers, vegetables, shrubs, marijuana, etc.)	X	X	X	X	P	P
Retail Trade and Services						
Marijuana store	X	P	P	P	P	P

Section 3. If any portion of this ordinance is held to be invalid or unconstitutional for any reason, such finding shall not affect the remainder of the ordinance, which shall remain in full force and effect.

Section 4. This ordinance shall be in full force and effect five (5) days after its passage and publication as provided by law.

Passed by the City Council of the City of Raymond, Washington at a regular open public meeting held the 6th day of September, 2016.



 JASON DUNSMOOR
 Mayor

ATTEST:


 HESTER GILLELAND
 City Clerk

APPROVED AS TO FORM:

 WILL PENOYAR
 City Attorney