

ORDINANCE 2013-15

**AN ORDINANCE OF THE TOWN OF EATONVILLE, WASHINGTON,
ADOPTING INTERIM REGULATIONS CONCERNING THE PRODUCTION,
PROCESSING, AND RETAIL SALE OF RECREATIONAL MARIJUANA AND
AMENDING TITLE 18 OF THE EATONVILLE MUNICIPAL CODE BY
AMENDING CHAPTERS 18.02 “DEFINITIONS,” 18.04 “DISTRICT
REGULATIONS,” AND ADDING A NEW CHAPTER 18.12 “RECREATIONAL
MARIJUANA”**

WHEREAS, in November of 2012, the Washington voters passed I-502, which directed the Washington State Liquor Control Board (LCB) to regulate recreational marijuana by licensing and taxing recreational marijuana producers, processors and retailers; and

WHEREAS, the regulatory scheme in I-502 required the LCB to adopt rules before December of 2013 to address: the methods for producing, processing and packaging of recreational marijuana; security requirements for retail outlets, retail outlet locations and hours of operation; labeling requirements; methods of transport of product throughout the state; taxing of marijuana-related activities; and the creation of a dedicated fund consisting of marijuana excise taxes, license fees, penalties and other income; and

WHEREAS, on September 4, 2013, the LCB issued proposed new regulations (the “Revised Proposed Rules”), which: prohibit the establishment of recreational marijuana businesses within 1,000 feet of certain identified sensitive uses; require criminal history background checks for licensees; establish qualifications for licensees; limit the amount of space available for recreational marijuana production; allow marijuana production to take place indoors in a fully enclosed, secure facility or outdoors enclosed by a physical barrier with an 8 foot high fence; limit the average inventory on the licensed premises at any time; limit the number of retailers within counties and cities within the counties based on estimated consumption and population data; establish insurance requirements for licensees; describe the security requirements, require employees to wear badges, and require alarm and surveillance systems on the licensed premises; require licensees track marijuana from seed to sale; establishes the manner in which free samples of marijuana may be provided; prohibit the sale of soil amendments, fertilizers and other crop production aids; identify transportation requirements, sign requirements, and recordkeeping requirements; identify a mechanism for enforcement of violations, including the failure to pay taxes; specify marijuana infused product serving sizes, maximum number of servings and limitations on transactions; identify marijuana waste disposal restrictions; describe the process for quality assurance testing, extraction and the requirements for packaging and labeling; describe advertising limitations; and explain the process for license suspension, revocation and penalties for violations; and

WHEREAS, according to the Revised Proposed Rules, the LCB will determine whether the recreational marijuana business licensee is within 1,000 feet of the sensitive uses identified in WAC 314-55-050(10) and shall not issue the license if it is within this area; and

WHEREAS, the LCB held a hearing on the Revised Proposed Rules on October 9, 2013 and intends to adopt Final Rules on November 18, 2013; accept license applications on November 18, 2013; and issue licenses beginning on December 1, 2013; and

WHEREAS, the short period of time between the LCB's adoption of Final Rules and the LCB's acceptance of license application leaves the Town insufficient time to adopt permanent regulations regarding the land use issues associated with the production, processing and retail sale of recreational marijuana within the Town of Eatonville; and

WHEREAS, the intent of adopting interim regulations is to provide sufficient time for the Town to evaluate the State's implementation of regulations pursuant to chapter 69.50 RCW and the siting and opening of marijuana businesses under I-502, as well as to provide basic guidance to prospective licensees; and

WHEREAS, pursuant to RCW 35.63.200, the Town Council held a properly noticed public hearing on November 25, 2013 to receive public comment regarding the proposed interim regulations concerning the production, processing, and retail sale of recreational marijuana; and

WHEREAS, after considering public comment, the Town Council considered this draft ordinance during its regular meetings on November 25, 2013 and December 9, 2013; and

WHEREAS, on December 9, 2013, the Town Council decided to adopt this ordinance; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF EATONVILLE AS FOLLOWS:

Section 1. The Town Council adopts all of the "Whereas" sections of this Ordinance as findings in support of this Ordinance.

Section 2. The Town Council adopts the Interim Amendments to Title 18 "Zoning" regarding recreational marijuana uses, as set forth in the attached Exhibit A.

Section 3. Title 18 of the Eatonville Municipal Code is hereby amended by amending Chapters 18.02 "Definitions," 18.04 "District Regulations," and by adding a new Chapter 18.12 "Recreational Marijuana," as set forth in the attached Exhibit A.

Section 4. The interim regulations concerning the production, processing, and retail sale of recreational marijuana, attached as Exhibit A, shall be in effect until June 9, 2014 unless earlier terminated.

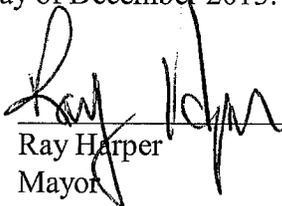
Section 5. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 6. This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING: 11/25/2013

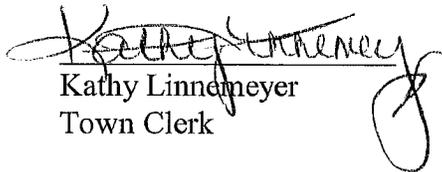
2ND READING: 12/09/2013

PASSED by the Town Council of the Town of Eatonville and attested by the Clerk in authentication of such passage this 9th day of December 2013.



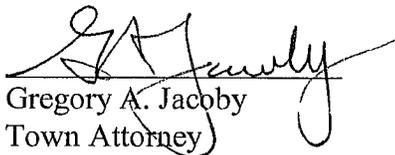
Ray Harper
Mayor

ATTEST:



Kathy Linnemeyer
Town Clerk

APPROVED AS TO FORM:



Gregory A. Jacoby
Town Attorney