

**Agenda Sheet for City Council Meeting of:**

09/23/2013

Date Rec'd

DocDate

Clerk's File #

ORD C35037

Renews #**Cross Ref #****Project #****Bid #****Requisition #****Submitting Dept**

CITY COUNCIL

Contact Name/Phone

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Agenda Item Type

First Reading Ordinance

Agenda Item Name

0320 MEDICAL MARIJUANA ORDINANCE

Agenda Wording

An ordinance relating to marijuana use, medical cannabis collective garden regulatory licensing and state-licensed marijuana producers, processors and retailers; amending SMC sections 1.05.170 and 4.04.020;

Summary (Background)

On February 25, 2013, the City Council adopted Ordinance No. C-34969 imposing a moratorium on the establishment of medical cannabis collective gardens and licensed dispensaries. Prior to the expiration of the moratorium, the City Council adopted Ordinance No. C-35008 on July 15, 2013 establishing an interim ordinance relating to marijuana use, medical cannabis collective garden regulatory licensing and state-licensed marijuana producers, processors and retailers.

Fiscal Impact**Budget Account**

Select \$

#

Select \$

#

Select \$

BudgetAccount3

Select \$

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Approvals**Council Notifications****Dept Head**

WESTFALL, JENNIFER

Study Session**Division Director****Other****Finance**

LESESNE, MICHELE

Distribution List**Legal**

BURNS, BARBARA

Ken Pelton

For the Mayor

SANDERS, THERESA

Mike Piccolo

Additional Approvals

Blaine Stum

Purchasing

PASSED BY
SPOKANE CITY COUNCIL

Sept. 23, 2013

Jennifer Westfall
SPOKANE CITY CLERK (Acting)



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

adopting a new section 8.02.0233 to chapter 8.02 SMC; adopting new chapters 10.49 and 10.50 to Title 10 SMC and new chapter 17C.347 to Title 17C of the Spokane Municipal Code; and declaring an emergency.

Summary (Background)

The Plan Commission held a hearing on September 11, 2013 as required by the interim ordinance and has made recommendations to the City Council regarding adoption of a permanent ordinance. This ordinance will make permanent the provisions of the interim ordinance as well as other revisions recommended by the Plan Commission and/or adopted by the City Council including zoning regulations for state-licensed producers, processors and retailers and medical cannabis collective gardens and regulatory licensing provisions for the collective gardens.

Fiscal Impact		Budget Account
Select	\$	#
Select	\$	#
AmtType7	\$ Amount7	# Budget7
AmtType8	\$ Amount8	# Budget8
Distribution List		
		Email16
		Email17
		Email18
		Email19
		Email20
		Email21
		Email22
		Email23

ORDINANCE NO. C - 35037

An ordinance relating to marijuana use, medical cannabis collective garden regulatory licensing and state-licensed marijuana producers, processors and retailers; amending SMC sections 1.05.170 and 4.04.020; adopting a new section 8.02.0233 to chapter 8.02 SMC; adopting new chapters 10.49 and 10.50 to Title 10 SMC and new chapter 17C.347 to Title 17C of the Spokane Municipal Code; and declaring an emergency.

WHEREAS, since 1970, federal law has prohibited the manufacture and possession of marijuana as a Schedule I drug, based on the federal government's categorization of marijuana as having a "high potential for abuse, lack of any accepted medical use, and absence of any accepted safety for use in medically supervised treatment." *Gonzales v. Raich*, 545 U.S. 1, 14 (2005), Controlled Substance Act (CSA), 84 Stat. 1242, 21 U.S.C. 801 et seq; and

WHEREAS, Initiative Measure No. 692, approved by the voters of Washington State on November 30, 1998, and now codified as chapter 69.51A RCW, created an affirmative defense for "qualifying patients" to the charge of possession of marijuana (cannabis); and

WHEREAS, the intent of Initiative 692 was that qualifying "patients with terminal or debilitating illnesses who, in the judgment of their physicians, would benefit from the medical use of marijuana, shall not be found guilty of a crime under state law,"(RCW 69.51A.005), but that nothing in the law "shall be construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of marijuana for non-medical purposes" (RCW 69.51A.020); and

WHEREAS, the Washington State Legislature passed ESSSB 5073 in 2011, which provides that a qualifying patient or his/her designated care provider are presumed to be in compliance, and not subject to criminal or civil sanctions/penalties/consequences, if they possess no more than fifteen (15) cannabis plants, no more than twenty-four (24) ounces of usable cannabis (other qualifications apply); and

WHEREAS, on April 29, 2011, former governor Christine Gregoire vetoed all of the provisions of E2SSB 5073 relevant to medical marijuana dispensaries that would have provided the legal basis for legalizing and licensing medical cannabis dispensaries, processing facilities and production facilities, thereby making these activities illegal but left the provisions relating to cultivation of marijuana for medical use by qualified patients individually and in collective gardens; and

WHEREAS, RCW 69.51A.085 permitted qualifying patients "to create and participate in collective gardens for the purpose of producing, processing, transporting, and delivering cannabis for medical use," provided no more than ten qualifying patients

participate, a collective garden does not contain more than fifteen (15) *plants per patient up to a total of forty five (45) plants per garden, and the garden does not contain more than twenty four (24) ounces of useable cannabis per patient and up to a total of seventy two (72) ounces of useable cannabis; and*

WHEREAS, under RCW 69.51A.060(1), it is a class 3 civil infraction to display medical cannabis in a manner or place which is open to view of the general public, which would include growing plants; and

WHEREAS, RCW 69.51A.140 authorizes cities to adopt and enforce zoning requirements, business licensing requirements, health and safety requirements, and business taxes pertaining to the production, processing, or dispensing of cannabis or cannabis products within their jurisdictions and that nothing in chapter 181, Laws of 2011 is intended to limit the authority of cities to impose zoning requirements or other conditions upon licensed dispensers, so long as such requirements do not preclude the possibility of siting licensed dispensers within the jurisdiction; and

WHEREAS, pursuant to RCW 69.51A.130, no civil or criminal liability may be imposed by any court on cities, towns, or counties or other municipalities and their officers and employees for actions taken in good faith under chapter 69.51A RCW and within the scope of their assigned duties.

WHEREAS, Initiative Measure No. 502, approved by the voters of Washington State on November 6, 2012, calls for the establishment of a regulatory system licensing producers, processors and retailers of recreational marijuana for adults twenty-one (21) years of age and older, legalizes the possession and private recreational use of marijuana and requires the Washington State Liquor Control Board to adopt procedures and criteria by December 1, 2013 for issuing licenses to produce, process and sell marijuana; and

WHEREAS, the establishment of additional medical cannabis collective gardens in light of the preclusion of licensed dispensaries created by the veto by former Governor Gregoire of portions of E2SSB 5073 and the pending implementation of Initiative Measure No. 502 by the Washington State Liquor Control Board could create inconsistent and incompatible land use activities and create unanticipated public health, safety and welfare concerns; and

WHEREAS, the City of Spokane adopted Ordinance No. 34968 on February 25, 2013, imposing a moratorium on the establishment of medical cannabis collective gardens and licensed dispensaries because of the impact on the public health safety and welfare; and

WHEREAS, the Washington State Liquor Control Board has announced that it will adopt its rules pertaining to the licensing of marijuana producers, processors and retailers by October 16, 2013, with an effective date of November 16, 2013, begin

accepting applications for license types on November 18, 2013 and begin issuing licenses to qualified applicants on December 1, 2013; and

WHEREAS, the City Council conducted a public hearing on April 15, 2013 as required by Ordinance No. C-34968 to take public testimony regarding the establishment of the moratorium; and

WHEREAS, the City Council and the City Plan Commission held a joint meeting on May 16, 2013 to discuss the implementation of the work plan called for in the Ordinance No. C-34968 establishing the moratorium; and

WHEREAS, the City Plan Commission held a workshop on July 10, 2013 to review this proposed interim ordinance; and

WHEREAS, the City Council has studied the land use impacts collective gardens and state-licensed marijuana producers, processors and retailers and has now prepared this ordinance to address these impacts; and

WHEREAS, on July 15, 2013, the City Council held a public hearing on Ordinance No. C-35008, regarding interim regulations relating to marijuana use, medical cannabis collective garden regulatory licensing and state-licensed marijuana producers, processor and retailers; and

WHEREAS, Ordinance C-35008 was passed by the City Council on July 15, 2013 establishing interim regulations for a ninety (90) day period and repealing the prior moratorium established in Ordinance No. C-34968; and

WHEREAS, the City Plan Commission held a public hearing on September 11, 2013 regarding the adoption of a permanent ordinance regarding to marijuana use, medical cannabis collective garden regulatory licensing and state-licensed marijuana producers, processors and retailers and subsequently adopted recommendations to the City Council regarding the ordinance; and

WHEREAS, the City Council finds that it is necessary to adopt this ordinance in order to avoid unanticipated negative impacts on the community and the public health, safety and welfare associated with medical cannabis collective gardens and state-licensed marijuana producers, processors and retailers; and

WHEREAS, State Environmental Policy Act (SEPA) Checklists and Determinations of Non-Significance were distributed on August 26, 2013 for the proposed ordinance with the public appeal period for the SEPA determination ended on September 10, 2013; and

WHEREAS, the City Council finds that the regulatory licensing requirements established by this ordinance are necessary for the immediate preservation of the public

peace, health or safety and for the immediate support of city government and its existing public institutions; -- Now, Therefore;

The City of Spokane does ordain:

Section 1. That there is adopted a new chapter 10.49 to Title 10 SMC to read as follows:

Chapter 10.49
Medical Cannabis Collective Garden Regulatory License

Sections:

- 10.49.010 Findings**
- 10.49.020 Purpose**
- 10.49.030 Definitions**
- 10.49.040 License Required**
- 10.49.050 Application, Transfer and Renewal**
- 10.49.060 Medical Cannabis Collective Garden Requirements**
- 10.49.070 Violation**
- 10.49.080 Nuisance Abatement**

10.49.010 Findings

The city council adopts the preamble to this ordinance as findings to support this chapter and further finds that nothing in this chapter 10.49 SMC shall be construed to supersede Washington state or federal law pertaining to the acquisition, possession, manufacture, sale or use of cannabis for nonmedical purposes. Nothing in this chapter 10.49 SMC shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of cannabis for nonmedical purposes.

10.49.020 Purpose

The purpose of this medical cannabis collective garden regulatory license chapter is to mitigate potential impacts of medical cannabis collective gardens as authorized under chapter 69.51A RCW on nearby properties and to promote the public health, safety welfare through coordinated implementation of zoning and licensing regulations of medical cannabis collective gardens under chapter 69.51A RCW.

10.49.030 Definitions

Definitions established in chapters 69.50, 69.51, and 69.51A RCW and chapter 314-55 WAC are incorporated by reference in this chapter, including the following definitions:

- A. "Collective garden" means those gardens authorized under RCW 69.51A.085, which allows qualifying patients to assume responsibility for acquiring and

supplying the resources required to produce and process cannabis for medical use.

- B. "Designated provider" shall have the definition as provided in RCW 69.51A.010(1) as currently states or as may be amended.
- C. "Marijuana" shall have the definition as provided in RCW 69.50.101(s) as currently states or as may be amended.
- D. "Marijuana processor" shall have the definition as provided in RCW 69.50.101(t) as currently states or as may be amended.
- E. "Marijuana producer" shall have the definition as provided in RCW 69.50.101(u) as currently states or as may be amended.
- F. "Marijuana retailer" shall have the definition as provided in RCW 69.50.101(w) as currently states or as may be amended.
- G. "Qualified patient" shall have the definition as provided in RCW 69.51A.010(4) as currently states or as may be amended.

10.49.040 License Required

- A. No person may operate a medical cannabis collective garden without first obtaining a medical cannabis collective garden regulatory license under this chapter.
- B. The medical cannabis collective garden regulatory license is a class II license as provided in chapter 4.04 SMC.
- C. Anyone operating a medical cannabis collective garden pursuant to chapter 61.59A RCW is required to have a license or permit issued under this chapter. A medical cannabis collective garden legally operating prior to the enactment of this ordinance shall be allowed to continue to operate as long as the collective garden submits an application for the medical cannabis collective garden regulatory license as required by this chapter within thirty days from the enactment of this ordinance.
- D. The requirement to obtain a medical cannabis collective garden regulatory license or a business registration or to comply with the regulatory and land use zoning provisions of this chapter and chapter 17C.347 RCW shall not apply to a medical cannabis collective garden that:
 - 1. meets the definition and provisions of RCW 69.51A.085,
 - 2. does not operate on a commercial basis,

3. does not engage in any sales,
 4. does not engage in any commercial activity, including any type of advertising,
 5. does not rotate more than five members of the collective garden within a fifteen day period, and
 6. engages only in private, unlicensed, noncommercial production, possession, transportation, delivery, or administration of cannabis for medical use pursuant to RCW 69.51A.025.
- E. The provisions of this chapter do not apply to or affect the legal rights of an ultimate user as authorized under RCW 69.50.101(z)(bb).
- F. The issuance of a medical cannabis collective garden regulatory license under this chapter, or the issuance of any other permit or license by the City, shall not be deemed as approval or permission from the City to engage in any activity deemed illegal under any applicable law, nor shall it constitute a determination by the City that the manufacture, production, processing, retailing possession, transportation, delivery, dispensing, application, or administration of and use of marijuana engaged in by the licensee or permittee is either legal or illegal under state or federal law.

10.49.050 Application, Transfer and Renewal

- A. A medical cannabis collective garden regulatory license issued under this chapter shall be obtained prior to operation of any business activity.
- B. The application is filed and all applicable license fees are paid to the office of taxes and licenses.
- C. The chief of police, or designated license officer, shall not approve the license until the application has been reviewed by the planning and development services department and the fire department and verification has been provided that all applicable requirements have been complied with. A determination regarding the application shall be completed within thirty days from either the date of the receipt by the city of the complete application, including all necessary forms and affidavits, or thirty days from the date of the public hearing required by SMC 10.49.050(L).
- D. The applicant shall provide on the application, the names, dates of birth, addresses and phone numbers for all officers and employees.

- E. The license shall be on display on the premises at all times and shall be available for access by law enforcement during normal business hours.
- F. If all requirements for approval are satisfied, the license shall be issued by the chief of police or designated licensing officer prior to the start of operations.
- G. A license issued under this chapter is not transferable as to person or place.
- H. Renewal of License.
 - 1. Application for renewal shall be made no later than thirty days prior to expiration of the license. A determination on the renewal application shall be completed within thirty days from the date of the receipt by the city of the complete application.
 - 2. The license renewal application shall only be approved by the chief of police, or designated license officer, following a site inspection and verification by the planning and development services department and fire department that all City requirements have been met.
- I. A medical cannabis collective garden regulatory license may be suspended, revoked or denied if:
 - 1. Any datum furnished on the application is false or is not updated in a timely fashion,
 - 2. The structure, facility or property ceases to comply with all applicable building, fire and or zoning provisions,
 - 3. Any condition of the City license or State law has been violated, or
 - 4. Any provision of this chapter is violated
- J. Any authorized city official may issue a warning order requiring the licensee to correct any condition or practice that presents a threat or hazard to public health or safety.
- K. Authorized city departments may invoke their powers granted under the Spokane Municipal Code to immediately close a facility or business licensed under this chapter if conditions present an imminent threat to public health and safety. The authorized city official shall provide the owner/operator of the facility or business with the appropriate hearing opportunity regarding the closure as well as the opportunity to enter the facility or business subsequent to the closure for purposes of securing his assets and property.

- L. Prior to the issuance of a regulatory license for a medical cannabis collective garden that was not legally operating prior to the enactment of this ordinance, the chief of police, or his designee, shall schedule a public hearing to take testimony regarding the issuance of the license. A notice of the hearing on a form prescribed by the City shall be delivered by the applicant to the recorded real property owners and/or taxpayers located within five hundred feet of the premises at least fourteen days prior to the hearing date.

10.49.060 Medical Cannabis Collective Garden Requirements

A. License Requirements for Operators.

It is unlawful to conduct, operate or maintain a medical cannabis collective garden unless such premises has a current medical cannabis collective garden regulatory 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.

B. License Applicant Requirements.

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 qualified patient and must, upon request by the City, submit valid documentation, or written designation by a qualified patient with that patient's valid documentation and proof of identification deemed acceptable by the office of taxes and licenses.
2. Must be at least eighteen years of age.
3. Shall have no felony convictions of state or federal laws within the ten years preceding or at any time subsequent to the date of application.
4. No one with law enforcement or regulatory authority related to medical cannabis collective gardens employed by the City of Spokane shall be permitted to obtain a medical cannabis collective garden regulatory license.

C. Premises Requirements.

Collective garden premises shall operate in compliance with the following conditions:

1. 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.

2. 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 or proof of registration with the registry established in state law (now or in the future), including a copy of the patient's proof of identity, shall be available at all times on the premises of the collective garden.
3. No cannabis from the collective garden may be delivered to anyone other than a qualifying patient participating in the collective garden or that patient's designated provider.
4. No cannabis, cannabis plants or representations of cannabis plants shall be used in signage or advertising or be visible to public view.
5. From a public right of way, there shall be no exterior display of medical cannabis cultivation visible outside of the premises.
6. A collective garden shall be entirely within a permanent enclosed structure with a roof. The structure shall comply with all applicable code requirements.
7. Areas where cannabis is grown, stored or dispensed shall be provided with ventilation/air filtration systems so that no odors are detectable off the premises.
8. All premises shall comply with the noise control requirements of SMC 10.08D.070.
9. No minors shall be permitted on any collective garden premises unless accompanied by a parent or guardian.
10. Consumption of cannabis, products containing cannabis or alcohol on the premises is prohibited.
11. The premises shall be closed to any distribution of cannabis between the hours of ten p.m. and seven a.m.
12. Any transportation or delivery of cannabis from a collective garden shall be conducted by the garden members or designated provider. Delivery of medical cannabis shall not exceed those quantities allowed by RCW 69.51A.040. Vehicles used to deliver cannabis may have the name of the collective garden printed on the vehicle along with related identifying information such as an address and phone number. There shall be no depiction of cannabis, cannabis plants or representations of cannabis plants used as signage or advertising on the vehicle.

13. The premises of the medical cannabis collective garden shall be identified on the application and subsequently on the regulatory license by its physical street address regardless of whether the product provided to the members of the collective garden is delivered to the member or if the member receives the product at the collective garden's physical location.

14. A licensed premise shall have installed on the premises a security and alarm system that is monitored twenty-four hours a day to include a video recording system that monitors production, storage and point of sale areas. All video recordings shall be continuously recorded twenty-four hours a day and shall be kept for a minimum of thirty days on the licensee's recording device. All videos are subject to inspection by the City police department upon request.

D. Land Use/Zoning Regulations.

Medical cannabis collective gardens shall comply with all applicable zoning and land use regulations set forth in Title 17C SMC.

10.49.070 Violation

A. This chapter is subject to the administrative provision of chapter 4.04 SMC.

B. Licensees under this chapter shall comply with all state laws under chapter 69.51A RCW for medical marijuana.

C. A violation of this chapter is a class 1 civil infraction. Each day upon which a violation occurs or is permitted to continue constitutes a separate violation.

10.49.080 Nuisance Abatement

In addition to any other available remedy or penalty, any violation of this chapter, is declared to be a public nuisance per se, and may be abated under the applicable provisions of the Spokane Municipal Code and state law.

Section 2. That there is adopted a new chapter 10.50 to Title 10 SMC to read as follows:

Chapter 10.50

State-Licensed Marijuana Producers, Processors and Retailers

Sections:

10.50.010 Marijuana Producer, Processor and Retailer

A marijuana producer, processor or retailer licensed by the state of Washington liquor control board shall be required to comply with all applicable regulations established by

the City including, but not limited to, all building and fire code regulations and zoning regulations and shall be required to provide a copy of the state-issued license to the City upon request.

Section 3. That there is adopted a new chapter 17C.347 to Title 17C SMC to read as follows:

Chapter 17C.347

Medical Cannabis Collective Garden or a Retail Outlet for Recreational Marijuana

Sections:

17C.347.010	Purpose
17C.347.020	Description
17C.347.030	Regulations for a Medical Cannabis Collective Garden and State-Licensed Marijuana Producers, Processors and Retailers

17C.347.010 Purpose

This chapter provides zoning standards for the establishment of a medical cannabis collective garden established pursuant to chapter 69.51A RCW and for producer, processor and retailer of recreational marijuana licensed by the state pursuant to chapter 314-55 WAC.

17C.347.020 Description

For the purpose of describing activities and other characteristics of a medical cannabis collective garden or a state-licensed recreational marijuana producer, processor or retailer, the definitions of SMC 10.49.030 are applicable.

17C.347.030 Regulations for a Medical Cannabis Collective Garden and State-Licensed Marijuana Producers, Processors and Retailers

A. City Zoning.

1. A medical cannabis collective garden shall comply with the requirements of SMC 10.49.060.
 - a. No person may conduct business within the City as a medical cannabis collective garden or a facility for delivery of cannabis produced by the garden unless the medical cannabis collective garden or a facility for delivery of cannabis produced by the garden is located within the CC2, CC3, CB, GC, DTC, DTG, DTU, DTS, LI, HI and PI Zones in accordance with Title 17 SMC. A medical cannabis collective garden is classified as a Manufacturing and Production land use as described in chapter 17C.190 SMC, Use Category Descriptions. Manufacturing and Production uses are

limited as provided in Table 17C.120-1, Table 17C.130-1, and Table 17C.124-1. In Table 17C.122-1, for Center and Corridor Zones, a medical cannabis collective garden is classified as a Limited Industrial land use and is subject to the standards for a Limited Industrial use.

- b. A licensed medical cannabis collective garden or facility for delivery of cannabis produced by the garden may not be located within one thousand feet of the perimeter of the grounds of any of the following entities. The owner or operator of the medical cannabis collective garden shall have the responsibility to demonstrate that the collective garden is not within the one thousand foot perimeter:
 - i. elementary or secondary school;
 - ii. playground;
 - iii. recreational center or facility;
 - iv. child care center;
 - v. public park;
 - vi. public transportation center;
 - vii. library; or
 - viii. any game arcade where admission is not restricted to persons age twenty-one or older.
- c. The prohibition set forth in subsection (1) (a) and (b) above shall not apply to a medical cannabis collective garden legally operating prior to the enactment of this ordinance that is going to convert from a collective garden to a state-licensed retailer.
- d. Medical cannabis cultivation and sale are prohibited as a home occupation and are not considered as an accessory use in residential zones.
- e. Notwithstanding the provisions of chapter 17C.210, an existing collective garden in operation as of the effective date of this ordinance shall be brought into full compliance with the provisions of this chapter within one year of the effective date of the ordinance.

2. State-Licensed Marijuana Producers, Processors and Retailers.

- a. No person may conduct business within the City of Spokane as a state-licensed marijuana producer, processor and retailer unless they are located within the CC2, CC3, CB, GC, DTC, DTG, DTU, DTS, LI, HI and PI Zones in accordance with Title 17 SMC and licensed under this chapter. A state-licensed marijuana producer or processor is classified as a Manufacturing and Production land use as described in chapter 17C.190 SMC, Use Category Descriptions. Manufacturing and Production uses are limited as provided in Table 17C.120-1, Table 17C.130-1, and Table 17C.124-1. In Table 17C.122-1, for Center and Corridor Zones, a state-licensed marijuana producer or processor is classified as a Limited Industrial land use and is subject to the standards for a Limited Industrial use. A state-licensed marijuana retailer is classified as a Retail Sales and Service land use as described in chapter 17C.190 SMC, Use Category Descriptions. In Table 17C.122-1, for Center and Corridor Zones, a state-licensed marijuana retailer is classified as a Commercial land use and is subject to the standards for a Commercial use.

- b. A state-licensed marijuana producer, processor and retailer may not be located within one thousand feet of the perimeter of the grounds of any of the following entities. The owner or operator of the state-licensed marijuana producer, processor and retailer shall have the responsibility to demonstrate that the state-licensed marijuana producer, processor and retailer is not within the one thousand foot perimeter:
 - i. elementary or secondary school;
 - ii. playground;
 - iii. recreational center or facility;
 - iv. child care center;
 - v. public park;
 - vi. public transportation center;
 - vii. library; or
 - viii. any game arcade where admission is not restricted to persons age twenty-one or older.

B. Waste products shall be disposed of in a secure manner that would prevent exposure to the public or create a nuisance.

C. Measurement.

1. The measurement of the separation distance in subsection A.1.b and A.2.b. above shall be measured as the shortest straight line distance from the property line of the production and processing facility, retail outlet or collective garden to the property line of the entities listed in subsection A(1)(b) and A(2)(b).
2. A protected use specified in subsection A(1)(b) and A(2)(b) above shall not benefit from the separation requirements of this subsection if the use chooses to locate within the required separation distance from a lawfully located production or processing facility, collective garden or retailer outlet.

Section 4. That SMC section 1.05.170 is amended to read as follows:

1.05.170 Penalty Schedule – Business Regulations

A. For each subsequent violation by a person the classification of infraction advances by one class.

B. Infraction/Violation Class.

SMC 1.05.170 PENALTY SCHEDULE – BUSINESS REGULATIONS		
Infraction		Violation Class
General		
SMC 4.04.020	Engaging in licensed activity without license	2
SMC 4.04.060	Failure to display license or insigne	3
SMC 8.01.070 SMC 10.40.020	Engaging in business without registration or itinerant vendor license or permit	1
SMC 8.12.020	No amusement device license, no amusement device operators or owners license	3
SMC 8.12.060	No current list of amusement device locations	3
SMC 10.23A.030(G)	Entertainment facility establishment operator/owner	1

SMC 10.25.010	Pruning, planting, or removing a public tree without a license	1
SMC 10.29.010(A)	Conducting an improper blasting operation	1
SMC 10.29.030	Heating mechanic	1
SMC 10.29.060(A)	Providing fire equipment service without Spokane Fire Department registration	1
SMC 10.34.020	Own, operate for-hire vehicle	2
SMC 10.34.110(D)	Owner of for-hire vehicle, allowing a non-licensed for-hire driver to operate his or her vehicle	1
<u>SMC 10.49.040</u>	<u>Owning, operating or maintaining a medical cannabis collective garden</u>	<u>1</u>
SMC 10.41A.040	Special police officer	2
SMC 10.45.040	Deal in used goods	2
SMC 10.48.050	Failure to register alarm system	2
SMC 10.48.170	Unlawful use of a security alarm system	3
SMC 13.02.0204	Solid waste collection or disposal	2
SMC 17G.010.100(C)(3)	Sewer installation	1
Fireworks		
SMC 10.33A.020(A)(2)	Conducting public display without a permit	Up to \$1,000
SMC 10.41A.040	Employ non-commissioned special police officer	3
SMC 10.41A.090	Violation of code by special police officer	1
Fire Code		
IFC 105.6.14 Chapter 33 IFC Chapter 10.33A SMC SMC 17F.080.060	Manufacture, storage, use, sale, handling of blasting agents, explosives without proper permit	1
IFC 105.6 IFC 105.7 SMC 17F.080.060	Conducting regulated code activities, operations, functions without permit	2
IFC 105.6.41	Conducting spraying or dipping application of flammable or combustible finishes (liquids or powders) for floor finishing or surfacing	2

	operations without a permit	
IFC 2703.3	Unauthorized release, discharge of flammable, combustible liquids, petroleum waste products	1
SMC 15.01.500	Fail to comply with notice and order under Commute Trip Reduction Program	2
SMC 15.03.030	Fail to comply with requirement of posting restaurant's smoking designation	2

Section 5. That SMC section 4.04.020 is amended to read as follows:

4.04.020 Activities Requiring Registrations and Licenses

- A. A person, including principals and agents, needs a current and valid license issued under this chapter to begin or to continue, directly or indirectly, any activity provided for in Division II of Title 10 SMC, whether as a commercial business or for nonprofit or charitable purposes.
- B. Persons pursuing ordinary vocations and businesses on private property by private means need a class I license and registration, for such activities as:
 - 1. peddling merchandise, and
 - 2. solicitation of money or things of value.
- C. Persons conducting activities which have a potential to cause social or economic evil, or useful occupations which may under certain circumstances become a public or private nuisance offensive or dangerous to health, safety, morals, or good order, need a class II license for such activities as:
 - 1. maintaining places and devices of amusement, including teen clubs, cabarets, and entertainment facilities;
 - 2. keeping of animals;
 - 3. building relocation;
 - 4. certain contracting;
 - 5. commercial use and sale of fireworks;
 - 6. private or special police;
 - 7. dealing in used goods; ~~((and))~~

8. operating for-hire vehicles. The for-hire license shall be issued by the City of Spokane taxes and licenses division to coincide with the issuance of the business registration through the Washington State business license service. The for-hire license will have the same renewal date as the business registration; and
9. owning, operating or maintaining a medical cannabis collective garden pursuant to chapter 61.59A RCW.

D. Persons claiming a private right in or making extraordinary use of public property need a class III license for such activities as:

1. moving buildings;
2. operating cable television;
3. certain contracting;
4. collecting garbage or commercial recyclables (SMC 13.02.0204);
5. distributing natural gas;
6. maintaining mechanical newspaper vendors;
7. parades, special events, and demonstrations;
8. operating telephone and telegraph equipment;
9. operating sidewalk cafes; and
10. doing commercial tree work.

Section 6. That there is adopted a new section 8.02.0233 to chapter 8.02 SMC to read as follows:

8.02.0233 Medical Cannabis Collective Garden Regulatory License

The fee for a medical cannabis collective garden regulatory license under SMC 10.49.040 is two hundred and fifty dollars to support the regulatory program.

Section 7. Severability. If any provision of this ordinance, or its application to any person, entity or circumstance, is for any reason held invalid, the remainder of the ordinance, or the application of the provisions to other persons, entities or circumstances, is not affected.

Section 8 Emergency Clause. This ordinance, passed by a majority plus one of the whole membership of the City Council as a public emergency ordinance necessary for the protection of the public peace, health, safety and property and for the immediate support of city government and its existing institutions, shall be effective immediately upon its passage.

PASSED by the City Council on September 23, 2013.

[Signature]
Council President

Attest: [Signature]
City Clerk

Approved as to form:
[Signature]
Assistant City Attorney

[Signature]
Mayor

10/4/2013
Date

09-23-2013
Effective Date

