

Ordinance No. 123661

Council Bill No. 117229

AN ORDINANCE relating to medical cannabis or medical cannabis products, and the regulation thereof within the City of Seattle.

Related Legislation File:

Date Introduced and Referred: <u>July 11, 2011</u>	To: (committee): <u>Housing, Human Services, Health, and Culture</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>7.18.11</u>	Date Presented to Mayor: <u>7.19.11</u>
Date Signed by Mayor: <u>July 21, 2011</u>	Date Returned to City Clerk: <u>July 21, 2011</u>
Published by Title Only <input checked="" type="checkbox"/>	Date Vetoes by Mayor:
Published in Full Text	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: Licata

Committee Action:

Date	Recommendation	Vote
<u>pass</u>	<u>4-0 NL, SC, TR, BH</u>	<u>7/13/11</u> <u>(CH)</u>

This file is complete and ready for presentation to Full Council.

Full Council Action:

Date	Decision	Vote
<u>7.18.11</u>	<u>Pass as amended</u>	<u>8-0</u> <u>excused: NL</u>

ORDINANCE 123661

1 AN ORDINANCE relating to medical cannabis or medical cannabis products, and the regulation
2 thereof within the City of Seattle.

3 WHEREAS, federal law prohibits the production, processing, and dispensing of medical
4 cannabis or medical cannabis products, and strict sentencing guidelines enhance the
5 penalties for violations of more than 99 plants or within 1,000 feet of school; and

6 WHEREAS, state law strictly enhances the penalties for violations of the Controlled Substances
7 Act for violations within 1,000 feet of a school; and

8 WHEREAS, in 1998 the State of Washington approved the medical use of cannabis by patients
9 with certain medical conditions and now several other states allow for the medical use of
cannabis; and

10 WHEREAS, Washington law also permits patients to grow medical cannabis for their own use or
11 to designate a provider to grow medical cannabis for them; and

12 WHEREAS, in 2011 the Washington State Legislature passed ESSSB5073 which permits
13 collective gardens by qualified patients and/or their designated providers whereby they
may, consistent with state law, collectively grow cannabis for their own medical use; and

14 WHEREAS, in 2011 the Washington State Legislature passed ESSSB5073 which permits cities
15 to regulate and license the production, processing, or dispensing of cannabis or cannabis
16 products within their jurisdiction; and

17 WHEREAS, in 2011 Governor Christine Gregoire signed into law some portions of ESSSB5073,
18 described above, to take effect on July 22, 2011; and

19 WHEREAS, there are now numerous medical cannabis dispensaries within the City of Seattle,
20 many of which comply with local laws and regulations and peacefully provide care to
qualified patients; and

21 WHEREAS, the City of Seattle and Seattle voters, who enacted Initiative 75 on September 16,
22 2003, have made the investigation and prosecution of cannabis violations a low priority;
and

23 WHEREAS, the City of Seattle expects the Seattle Police Department to continue to provide
24 balanced and measured enforcement of established Medical Cannabis enforcement
25 policy, in compliance with state and local laws; and



1 WHEREAS, based on an estimate that four to five percent of Seattle residents, like in other
2 jurisdictions, are medical cannabis users, Seattle may have over 25,000 patients using
3 medical cannabis; and

4 WHEREAS, the City of Seattle believes that the medical use of cannabis should be conducted in
5 a safe and fair manner for the health, safety and welfare of the community; and

6 WHEREAS, the City of Seattle acknowledges federal prohibition but wants to respond to the
7 changes in state law in a responsible manner that will minimize impacts on patients,
8 providers, and the health, safety, and welfare of the community;

9 NOW, THEREFORE,

10 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

11 Section 1. The medical use of cannabis under Chapter RCW 69.51A shall be conducted
12 in compliance with all local laws and regulations applicable to similar activities.

13 Section 2. Any manufacture, production, processing, possession, transportation, delivery,
14 dispensing, application, or administration of cannabis, that qualifies as the medical use of
15 cannabis under Chapter RCW 69.51A, shall not exempt any person from complying with
16 requirements of any applicable law of the City of Seattle, including but not limited to:

17 A. The requirements to obtain a business license for engaging in business in
18 the City of Seattle as set forth in Seattle Municipal Code (“SMC”) 5.55.030, and to report and/or
19 pay all applicable taxes and fees; and

20 B. Requirements of the City’s Land Use Code as set forth in SMC Title 23,
21 including any and all requirements for land use permits; and

22 C. Requirements of the City’s Historic Preservation, Environmental
23 Protection, and Noise laws as set forth in SMC Title 25; and
24



1 D. Requirements of the Building, Construction, Grading, Housing, Electrical,
2 Plumbing, Fuel Gas, Boiler and Pressure Vessel, Plumbing, Fire, Energy and Stormwater Codes
3 as set forth in SMC Title 22; and

4 E. Requirements of the Americans with Disabilities Act; and

5 F. Requirements of the Seattle-King County Department of Public Health for
6 food service and food handling as set forth in SMC Title 10; and
7

8 G. Requirements of the City's Chronic Nuisance Property laws as set forth in
9 SMC Title 10; and

10 H. Requirements of the City's Street and Sidewalk Use Code as set forth in
11 SMC Title 15; and I. Requirements of the City's Fair Employment Practices regulations as set
12 forth in SMC Chapter 14.04.

13 Section 3. The issuance of a business license pursuant to SMC 5.55.030, or the issuance
14 of any other permit or license by the City, shall not be deemed as approval or permission from
15 the City of Seattle to engage in any activity deemed illegal under any applicable law, nor shall it
16 constitute a determination by the City that the manufacture, production, processing, possession,
17 transportation, delivery, dispensing, application, or administration of and use of cannabis
18 engaged in by the licensee or permittee is either legal or illegal under state or federal law.
19

20 Section 4. The medical use of cannabis shall not exempt any person from complying
21 with any no smoking law.
22

23 Section 5. The open use and display of cannabis is prohibited by RCW 69.51A.060.
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1 Section 6. Community members seeking to complain about non-emergency problems at
2 a medical cannabis facility in their neighborhood may do so by contacting the City of Seattle
3 Customer Service Bureau. Emergencies and crime in progress should be reported to 9-1-1.
4 Regulatory agencies should report non-compliant owners, operators and properties to the City of
5 Seattle Code Compliance Team or similar interdepartmental code enforcement work group to
6 insure a coordinated and thoughtful City response.
7

8 Section 7. This ordinance shall take effect and be in force 30 days after its approval by
9 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
10 shall take effect as provided by Seattle Municipal Code Section 1.04.020.
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1 Passed by the City Council the 18th day of July, 2011, and signed by
2 me in open session in authentication of its passage this
3 18th day of July, 2011.

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6 President _____ of the City Council
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9 Approved by me this 2nd day of July, 2011.

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11 
12 Michael McGinn, Mayor
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15 Filed by me this 21st day of July, 2011.

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17 
18 Monica Martinez Simmons, City Clerk
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20 (Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Legislative; Law (Supporting Dept)	Kieu-Anh King/684.4678 Darby DuComb/684.8228	n/a

Legislation Title:

AN ORDINANCE relating to medical cannabis or medical cannabis products, and the regulation thereof within the City of Seattle.

Summary of the Legislation:

This legislation establishes a regulatory framework for medical cannabis and medical cannabis products within the City of Seattle. Cannabis is colloquially known as marijuana, ganja, weed or reefer, among others. The legislation reflects (i) the continuing Federal prohibition on production, processing, dispensing and possession of cannabis, (ii) the expanded provisions for the use of medical cannabis under Washington State Law, and (iii) the City of Seattle's prior policy decisions to make the investigation and prosecution of certain cannabis violations a low priority for city law enforcement.

This legislation articulates the City's established regulations as they will apply to medical cannabis and medical cannabis products, and includes provisions on:

- a) Business Licensing,
- b) Land Use Regulations,
- c) Environmental Protection, Historic Preservation and Noise,
- d) Building and Technical Codes,
- e) Americans with Disabilities Act Regulations,
- f) Food-Service and Smoking Regulations,
- g) Chronic Public Nuisance Regulations,
- h) Street and Sidewalk Use, and,
- i) Prohibitions on Open Public Use.

Background:

Please see section above and recitals of legislation.



Please check one of the following:

This legislation does not have any financial implications.
(Stop here and delete the remainder of this document prior to saving and printing.)

This legislation has financial implications. (Please complete all relevant sections that follow.)

Note: This legislation, in and of itself, does not have any fiscal implications.

To the extent that this legislation results in a more robust and effective regulatory and tax framework, however, this legislation could result in additional tax and fee collections to the City of Seattle, from affected businesses.

To the extent that this legislation results in a less robust and effective regulatory and tax framework, as well, this legislation could result in less tax and fee collections to the City of Seattle, from affected businesses.



ORDINANCE _____

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24 qualified patients; and

25 WHEREAS, the City of Seattle and Seattle voters, who enacted Initiative 75 on September 16,
26 2003, have made the investigation and prosecution of cannabis violations a low priority;
27 and

28 WHEREAS, based on an estimate that four to five percent of Seattle residents, like in other
29 jurisdictions, are medical cannabis users, Seattle may have over 25,000 patients using
30 medical cannabis; and

THIS VERSION IS NOT ADOPTED



1 WHEREAS, the City of Seattle believes that the medical use of cannabis should be conducted in
a safe and fair manner for the health, safety and welfare of the community; and

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16 the City of Seattle as set forth in Seattle Municipal Code ("SMC") 5.55.030, and to report and/or
17 pay all applicable taxes and fees; and

18 B. Requirements of the City's Land Use Code as set forth in SMC Title 23,
19 including any and all requirements for land use permits; and

20
21 C. Requirements of the City's Historic Preservation, Environmental
22 Protection, and Noise laws as set forth in SMC Title 25; and

THIS VERSION IS NOT ADOPTED



1 D. Requirements of the Building, Construction, Grading, Housing, Electrical,
2 Plumbing, Fuel Gas, Boiler and Pressure Vessel, Plumbing, Fire, Energy and Stormwater Codes
3 as set forth in SMC Title 22; and

4 E. Requirements of the Americans with Disabilities Act; and

5 F. Requirements of the Seattle-King County Department of Public Health for
6 food service and food handling as set forth in SMC Title 10; and
7

8 G. Requirements of the City's Chronic Nuisance Property laws as set forth in
9 SMC Title 10; and

10 H. Requirements of the City's Street and Sidewalk Use Code as set forth in
11 SMC Title 15.

12 Section 3. The issuance of a business license pursuant to SMC 5.55.030, or the issuance
13 of any other permit or license by the City, shall not be deemed as approval or permission from
14 the City of Seattle to engage in any activity deemed illegal under any applicable law, nor shall it
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1 Customer Service Bureau. Emergencies and crime in progress should be reported to 9-1-1.

2 Regulatory agencies should report non-compliant owners, operators and properties to the City of
3 Seattle Code Compliance Team or similar interdepartmental code enforcement work group to
4 insure a coordinated and thoughtful City response.

5 Section 7. This ordinance shall take effect and be in force 30 days after its approval by
6 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
7 shall take effect as provided by Seattle Municipal Code Section 1.04.020.
8

THIS VERSION IS NOT ADOPTED



1 Passed by the City Council the ____ day of _____, 2011, and signed by
2 me in open session in authentication of its passage this
3 ____ day of _____, 2011.

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6 President _____ of the City Council

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9 Approved by me this ____ day of _____, 2011.

10 _____
11
12 Michael McGinn, Mayor

13
14
15 Filed by me this ____ day of _____, 2011.

16 _____
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18 Mónica Martinez Simmons, City Clerk

19
20 (Seal)

THIS VERSION IS NOT ADOPTED



STATE OF WASHINGTON – KING COUNTY

--SS.

274433
CITY OF SEATTLE, CLERKS OFFICE

No. 123657,658,659,660,661,62

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:TITLE ONLY ORDINANCE

was published on

07/28/11

The amount of the fee charged for the foregoing publication is the sum of \$ 102.38, which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

07/28/11

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle Title Only Ordinance

The full text of the following legislation, passed by the City Council on July 18, 2011, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Contact: Office of the City Clerk at (206) 684-8344.

ORDINANCE NO. 123657

AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to purchase approximately 148.2 acres of real property in Section 36, Township 23 North, Range 7 East, W.M. in King County, Washington, commonly called the Herbrand Property, in close proximity to the Cedar River Municipal Watershed, from the Herbrand Company, and ratifying and confirming certain prior acts.

ORDINANCE NO. 123658

AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to enter into an agreement granting a non-exclusive easement for access, ingress and egress over and across a portion of the City of Seattle's fee-owned Cedar River Pipeline property for the benefit of a single family residence located on adjacent property commonly known as 12660 Beacon Avenue South, Seattle, WA 98178, King County.

ORDINANCE NO. 123659

AN ORDINANCE relating to street-food vending, merchandise displays, and sidewalk cafes; amending various sections of and adding sections to Titles 11 and 15 of the Seattle Municipal Code; repealing Chapter 10.10, and Sections 10.03.110, 15.17.010, and 15.17.020; amending the current Seattle Department of Transportation Street Use fee schedule by adding new vending-related Street Use permit use codes and amending vending-related Street Use permit fees.

ORDINANCE NO. 123660

AN ORDINANCE relating to the Seattle Department of Transportation and Seattle Public Utilities; authorizing the Director of the Department of Transportation to acquire, accept, and record, on behalf of the City of Seattle, a permanent easement located in a portion of Lot 28, Block 3 of Patten's Addition to the City of Seattle for the purpose of slope stabilization; authorizing the Director of Seattle Public Utilities to acquire, accept and record, on behalf of the City of Seattle, two permanent easements located in portions of Lots 2 and 3, Block 2 of Patten's Addition to the City of Seattle for drainage infrastructure that contributes to slope stabilization and area drainage; and ratifying and confirming certain prior acts.

ORDINANCE NO. 123661

AN ORDINANCE relating to medical cannabis or medical cannabis products, and the regulation thereof within the City of Seattle.

ORDINANCE NO. 123662

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Date of publication in the Seattle Daily Journal of Commerce, July 28, 2011.

7/28(274433)