

Ordinance No. 124552

Council Bill No. 118147

AN ORDINANCE relating to land use and zoning, extending a deadline for compliance with locational restrictions in Section 23.42.058 on the production, processing, selling, or delivery of marijuana; and repealing Section 7 of Ordinance 124326.

Related Legislation File:

Date Introduced and Referred: <u>7/7/14</u>	To: (committee): FINANCE Finance and Culture
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>9/2/14</u>	Date Presented to Mayor: <u>9/3/14</u>
Date Signed by Mayor: <u>9/5/14</u>	Date Returned to City Clerk: <u>9/5/14</u>
Published by Title Only <input checked="" type="checkbox"/>	Date Vetoed 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: *Nick Lesch*

Committee Action:

Date	Recommendation	Vote
<u>8/13/14</u>	<u>pass as amended NY, J&Z</u>	<u>(4)</u>

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

Full Council Action:

Date	Decision	Vote
<u>9/2/14</u>	<u>Passed</u>	<u>9-0</u>

CITY OF SEATTLE
ORDINANCE 124552
COUNCIL BILL 118147

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4 AN ORDINANCE relating to land use and zoning, extending a deadline for compliance with
5 locational restrictions in Section 23.42.058 on the production, processing, selling, or
6 delivery of marijuana; and repealing Section 7 of Ordinance 124326.

7 WHEREAS, Ordinance 124326 established locational restrictions on the production, processing,
8 selling, or delivery of marijuana and added Section 23.42.058 to the Seattle Municipal
Code (“SMC 23.42.058”); and

9 WHEREAS, the Mayor approved Ordinance 124326 on October 17, 2013, and the effective date
10 of that ordinance was therefore November 16, 2013; and

11 WHEREAS, for lots, business establishments, and dwelling units where the production,
12 processing, selling, or delivery of marijuana was being conducted prior to the effective
13 date of Ordinance 124326, Section 7 of Ordinance 124326 established a deadline of
January 1, 2015 to comply with SMC 23.42.058; and

14 WHEREAS, the intent of Section 7 of Ordinance 124326 was to provide time for
15 implementation of any new RCW Title 69 regulations adopted by the state in 2014, and
16 to evaluate the initial implementation of Initiative 502 regulations and the siting and
opening of businesses licensed under Initiative 502; and

17 WHEREAS, the Washington legislature did not create a medical marijuana retail licensing
18 system in 2014, but may consider such legislation in 2015; and

19 WHEREAS, the initial implementation of state regulations and the siting and opening of
20 businesses licensed under Initiative 502 merits an extension of the compliance date
established by Section 7 of Ordinance 124326; and

21 WHEREAS, the City of Seattle continues to monitor the development of state regulations, and
22 may need to revise its regulations in the future; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

23 Section 1. Section 7 of Ordinance 124326 is repealed.

24 Section 2. Lots, business establishments, and dwelling units where the production,
25 processing, selling, or delivery of marijuana was being conducted prior to November 16, 2013
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1 must come into compliance with Seattle Municipal Code Section 23.42.058 by the later of the
2 following dates:

3 A. July 1, 2015; or

4 B. January 1, 2016 if the Washington Legislature adopts and the Governor signs
5 legislation amending RCW Chapter 69.51A after July 1, 2014 and before July 1, 2015, or if all
6 other actions necessary under Article III, Section 12 of the Washington Constitution for
7 legislation amending RCW Chapter 69.51A to take effect in 2015 occur after July 1, 2014 and
8 before July 1, 2015.

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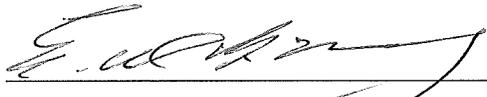


1 Section 3. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 2nd day of September, 2014, and
5 signed by me in open session in authentication of its passage this
6 2nd day of September, 2014.

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9 President _____ of the City Council

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11 Approved by me this 5th day of September, 2014.

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14 Edward B. Murray, Mayor

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16 Filed by me this 5th day of September, 2014.

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18 
19 Monica Martinez Simmons, City Clerk

20 (Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Legislative	Rebecca Herzfeld/684-8148	Not Applicable

Legislation Title:

AN ORDINANCE relating to land use and zoning, extending a deadline for compliance with locational restrictions in Section 23.42.058 on the production, processing, selling, or delivery of marijuana; and repealing Section 7 of Ordinance 124326.

Summary of the Legislation:

This legislation would extend to July 1, 2015 the deadline for complying with the regulations in Section 23.42.058 of the Seattle Land Use Code for lots, business establishments, and dwelling units where the production, processing, selling, or delivery of marijuana was being conducted prior to November 16, 2013.

Background:

Effective November 16, 2013, Ordinance 124326 established regulations for the production, processing, selling, or delivery of marijuana to the Seattle Municipal Code (SMC) in Section 23.42.058. The regulations established restrictions on the production, processing, selling, and delivery of marijuana in certain zones, added definitions related to marijuana, and placed size limits on indoor agricultural operations in industrial areas. It also set a deadline of January 1, 2015 for existing lots, business establishments, and dwelling units to comply with SMC 23.42.058.

The intent of the deadline was to provide time for implementation of medical marijuana legislation created by the Washington legislature in 2014, and to evaluate the initial implementation of Initiative 502, which set up a state licensing system for recreational marijuana. Since the legislature did not take action in 2014, and because there will not be adequate time to evaluate the implementation of the recreational marijuana system under Initiative 502, the legislation proposes a six-month extension of the original deadline.

 X **This legislation does not have any financial implications.**

Other Implications:

- a) **Does the legislation have indirect financial implications, or long-term implications?**
No.

- b) **What is the financial cost of not implementing the legislation?**



None.

c) Does this legislation affect any departments besides the originating department?

No.

d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?

There are no alternatives that would accomplish the same objectives.

e) Is a public hearing required for this legislation?

A public hearing is not required, but a hearing will be held in order to provide the public with an additional opportunity to comment.

f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No.

g) Does this legislation affect a piece of property?

No.

h) Other Issues:

List attachments to the fiscal note below:

Not applicable.



CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL 118147

AN ORDINANCE relating to land use and zoning, extending a deadline for compliance with locational restrictions in Section 23.42.058 on the production, processing, selling, or delivery of marijuana; and repealing Section 7 of Ordinance 124326.

WHEREAS, Ordinance 124326 established locational restrictions on the production, processing, selling, or delivery of marijuana and added Section 23.42.058 to the Seattle Municipal Code (“SMC 23.42.058”); and

WHEREAS, the Mayor approved Ordinance 124326 on October 17, 2013, and the effective date of that ordinance was therefore November 16, 2013; and

WHEREAS, for lots, business establishments, and dwelling units where the production, processing, selling, or delivery of marijuana was being conducted prior to the effective date of Ordinance 124326, Section 7 of Ordinance 124326 established a deadline of January 1, 2015 to comply with SMC 23.42.058; and

WHEREAS, the intent of Section 7 of Ordinance 124326 was to provide time for implementation of any new RCW Title 69 regulations adopted by the state in 2014, and to evaluate the initial implementation of Initiative 502 regulations and the siting and opening of businesses licensed under Initiative 502; and

WHEREAS, the Washington legislature did not create a medical marijuana retail licensing system in 2014, but may consider such legislation in 2015; and

WHEREAS, the initial implementation of state regulations and the siting and opening of businesses licensed under Initiative 502 merits an extension of the compliance date established by Section 7 of Ordinance 124326; and

WHEREAS, the City of Seattle continues to monitor the development of state regulations, and may need to revise its regulations in the future; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 7 of Ordinance 124326 is repealed.

Section 2. Lots, business establishments, and dwelling units where the production, processing, selling, or delivery of marijuana was being conducted prior to November 16, 2013

THIS VERSION IS NOT ADOPTED



THIS VERSION IS NOT ADOPTED

1 must come into compliance with Seattle Municipal Code Section 23.42.058 no later than July 1,
2 2015.

3 Section 3. This ordinance shall take effect and be in force 30 days after its approval by
4 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
5 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

6 Passed by the City Council the ____ day of _____, 2014, and
7 signed by me in open session in authentication of its passage this
8 ____ day of _____, 2014.

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President _____ of the City Council

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Approved by me this ____ day of _____, 2014.

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Edward B. Murray, Mayor

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Filed by me this ____ day of _____, 2014.

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Monica Martinez Simmons, City Clerk

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(Seal)

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STATE OF WASHINGTON -- KING COUNTY

--SS.

315798

No.

CITY OF SEATTLE, CLERKS OFFICE

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:124549-565 TITLE ONLY

was published on

09/26/14

The amount of the fee charged for the foregoing publication is the sum of \$269.10 which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

09/26/2014

Notary public for the State of Washington,
residing in Seattle

City of Seattle

The full text of the following legislation, passed by the City Council on September 2, 2014, 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. 124549

AN ORDINANCE relating to the 23rd Avenue Corridor Improvements project; transferring jurisdiction of a portion of Lot 1, Block 2, Sander-Boman Real Estate Co.'s 1st Addition to the City of Seattle, from the Department of Parks and Recreation to the Department of Transportation; laying-off, opening, widening, extending, establishing, and designating the property for street purposes; superseding requirements of Ordinance 118477; and ratifying and confirming certain prior acts.

ORDINANCE NO. 124550

AN ORDINANCE relating to historic preservation, imposing controls upon the Metropolitan Printing Press Company Building, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

ORDINANCE NO. 124551

AN ORDINANCE relating to historic preservation, imposing controls upon the RKO Distributing Company Building, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

ORDINANCE NO. 124552

AN ORDINANCE relating to land use and zoning, extending a deadline for compliance with locational restrictions in Section 23.42.058 on the production, processing, selling, or delivery of marijuana; and repealing Section 7 of Ordinance 124326.

ORDINANCE NO. 124553

AN ORDINANCE relating to a pedestrian tunnel under and across East Thomas Street, east of 15th Avenue East; amending Ordinance 122597; updating the insurance and bond requirements; amending the annual fee and other terms and conditions of the permit; renewing the term of the permit to Group Health Cooperative, formerly known as Group Health Cooperative of Puget Sound; providing for the acceptance of the permit and conditions; and ratifying and confirming certain prior acts.

ORDINANCE NO. 124554

AN ORDINANCE relating to the Department of Finance and Administrative Services, declaring the property located at 3205 13th Avenue West, commonly known as former Fire Station 20, surplus to the City's needs and authorizing the Director of the Department of Finance and Administrative Services to sell the site and building through an open competitive process.

ORDINANCE NO. 124555

AN ORDINANCE relating to the State Route 520 Project; authorizing the Director of the Department of Transportation to acquire, accept, and record on behalf of the City of Seattle, a statutory warranty deed for a portion of Lot 1, Block 1, Glenwilde Addition to the City of Seattle, from Michael Leigh, a single person; placing the real property conveyed by such deed under the jurisdiction of the Department of Transportation and designating the property for street purposes; and ratifying and confirming certain prior acts.

State of Washington, King County

ORDINANCE NO. 124556

AN ORDINANCE authorizing, in 2014, acceptance of funding from non-City sources; authorizing the heads of the Executive Department, Department of Planning and Development, Department of Parks and Recreation, Seattle Police Department and the Seattle Department of Transportation to accept specified grants and private funding and to execute, deliver, and perform corresponding agreements; and ratifying and confirming certain prior acts.

ORDINANCE NO. 124557

AN ORDINANCE relating to the 2014 Budget; amending Ordinance 124349, which adopted the 2014 Budget, including the 2014-2019 Capital Improvement Program (CIP); changing appropriations to various departments and budget control levels, and from various funds in the Budget; adding new projects; revising project allocations for certain projects in the 2014-2019 CIP; creating positions; creating exempt positions; modifying positions; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

ORDINANCE NO. 124558

AN ORDINANCE relating to enforcement and timely payment of parking infractions; providing authority to provide notice through use of a vehicle notification sticker that a vehicle may be immobilized; correcting a conflicting provision with regard to the time to request administrative review; providing that any person who unlawfully removes an immobilization device and is immobilized a second time is not eligible for a payment plan; and amending Seattle Municipal Code Sections 11.35.010 and 11.35.020.

ORDINANCE NO. 124559

AN ORDINANCE relating to the Department of Finance and Administrative Services, declaring the property located at 620 South Main Street as surplus to the City's needs; and authorizing the Director of Finance and Administrative Services to negotiate and execute all documents for the sale and transfer of the property to the Interim Community Development Authority.

ORDINANCE NO. 124560

AN ORDINANCE relating to Seattle Public Utilities; declaring the real property at 5560 South Holly Street surplus to the City's needs and authorizing the Director of Seattle Public Utilities to sell the property through an open competitive process.

ORDINANCE NO. 124561

AN ORDINANCE relating to Seattle Public Utilities; declaring certain real property rights relating to sewer facility easements within the campus of the University of Washington as being surplus to City utility needs; authorizing the Director of Seattle Public Utilities to relinquish such easement rights and accept a new easement grant from the University of Washington for a City-owned sanitary sewer facility; and ratifying and confirming certain prior acts.

ORDINANCE NO. 124562

AN ORDINANCE relating to the City Light Department, declaring the former Greenlake, Beverly, and Boulevard Park Substation properties as surplus to the City's

needs and no longer required for providing public utility service or other municipal purpose; authorizing the sale of said properties through brokered sales to be managed by the Department of Finance and Administrative Services; and authorizing the General Manager and Chief Executive Officer of the City Light Department to execute all necessary documents to accomplish such property sales.

ORDINANCE NO. 124563

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

ORDINANCE NO. 124564

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

ORDINANCE NO. 124565

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

Date of publication in the Seattle Daily Journal of Commerce, September 26, 2014.
9/26(315798)