

**CITY OF STEVENSON, WASHINGTON
ORDINANCE NO. 2018-1121**

**AN ORDINANCE REDUCING THE BUFFER ZONE FOR
LICENSED MARIJUANA BUSINESSES FOR THE CITY OF
STEVENSON, WASHINGTON**

WHEREAS, the City of Stevenson (“City”) received a request by a citizen to reduce the buffer zone separating marijuana-related businesses from sensitive and/or child intensive land uses; and

WHEREAS, RCW 69.50.331(8) allows the City to reduce the buffer from 1,000’ to 100’ for all uses except schools and playgrounds; and

WHEREAS, the City Council of the City of Stevenson held a public meeting regarding the change and invited public comment on April 19, 2018 and May 17, 2018.

NOW, THEREFORE, the City Council of the City of Stevenson do ordain as follows:

Section 1. THAT the following shall be added to the Stevenson Municipal Code:

SMC 5.25 Liquor & Cannabis Regulations

SMC 5.25.200 Unlicensed Marijuana Businesses, Facilities, and Operations Prohibited.

Marijuana uses, businesses, facilities, and operations that do not have a state license pursuant to RCW Title 69 are prohibited within the city of Stevenson. This prohibition includes, but is not limited to, collective gardens, medical dispensaries, and any unlicensed marijuana production, processing, retail, or research business, facility, or operation.

SMC 5.25.220 Use Buffers for State-Licensed Marijuana Producers, Processors, Retailers, and Researchers—Where Permitted.

- A. Any lot line of property having a state-licensed marijuana producer, processor, retailer, or researcher must be 1,000 feet or more from any lot line of property on which any of the following uses, as defined in WAC 314-55-010, is located: elementary school; secondary school; or playground.
- B. Any lot line of property having a state-licensed marijuana producer, processor, retailer, or researcher must be 100 feet or more from any lot line of property on which any of the following uses, as defined in WAC 314-55-010, is located: child care center; game arcade admitting minors; library; public park; public transit center; or recreation center or facility.

SMC 5.25.240 Odor Control for State-Licensed Marijuana producers and processors.

Marijuana processing and production businesses must be equipped with a ventilation system that prevents marijuana odors from being detected beyond the premises of the business. Applicants for such businesses must submit, as part of building and mechanical permit applications, a ventilation plan prepared by a licensed mechanical engineer. The ventilation plan shall be reviewed and approved by the City. Any measures that were required for approval must be maintained. Once operation of the business begins, if odors are detected beyond the premises of the building, even with an approved ventilation plan, the facility may be subject to enforcement under this chapter.

SMC 5.25.500 Violations, Enforcement.

In addition to all other remedies available by law, violations of this chapter may be abated as public nuisances pursuant to SMC 8.60 – Public Nuisances.

Section 2. THAT, this ordinance affects Title 5 of the Stevenson Municipal Code only insofar as set forth herein. All other provisions of Title 5 shall remain in full force and effect, and that where the provisions of this ordinance are the same as the provisions they replace, the provisions of this ordinance shall be interpreted as a continuation of those previous provisions and not as a new enactment.

Section 3. THAT, if any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

This Ordinance shall take effect and be in force five (5) days after its publication according to law.

Passed by the City Council of the City of Stevenson this _____ day of _____, 2018.

Scott Anderson, Mayor of the City of Stevenson

ATTEST:

APPROVED AS TO FORM:

Leana Johnson, City Clerk

Kenneth B Woodrich, PC
City Attorney