

ORDINANCE NO. 2770

AN ORDINANCE AMENDING CHAPTER 18.50 OF THE MOSES LAKE MUNICIPAL CODE ENTITLED "RECREATIONAL MARIJUANA BUSINESSES"

THE CITY COUNCIL OF THE CITY OF MOSES LAKE, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Chapter 18.50 of the Moses Lake Municipal Code entitled "Recreational Marijuana Businesses" is amended as follows:

18.50.050 Development requirements:

- A. Marijuana producers, marijuana processors, and marijuana retailers shall only be permitted as allowed under RCW 69.50 and WAC 314-55 and shall only be operated by persons or entities holding a valid marijuana license from the Washington State Liquor Control Board issued under Chapter 314-55 WAC and any other applicable state laws and regulations.
- B. Marijuana producers, marijuana processors, and marijuana retailers shall only be allowed within the City of Moses Lake municipal boundaries if appropriately licensed by the State of Washington and in possession of a current business license issued by the City of Moses Lake, and operated consistent with the requirements of the State and all applicable City ordinances, rules, requirements, and standards.
- C. Marijuana producers, marijuana processors, and marijuana retailers shall be the primary use at a location, and shall only be allowed within the City of Moses Lake in those zoning districts where it is specifically identified as an allowed use.
  - 1. Marijuana retailers shall only be allowed in the C-1A Transitional Commercial and C-2 General Commercial and Business zones defined and identified in MLMC Chapter 18.30.
  - 2. Marijuana producers and processors shall only be allowed in the H-1, Heavy Industrial Zone, L-1 Light Industrial Zone and the Moses Lake Industrial Park defined and identified in MLMC Chapter 18.40.
- D. The production, processing, selling, or delivery of marijuana, marijuana-infused products, or useable marijuana may not be conducted alone or in association with any business establishments, dwelling unit, or home occupation located in any of the following zoning districts in the City of Moses Lake:
  - Business Park (BP)
  - Central Business District (C-1)
  - Conservation and Reclamation (C-R)
  - Neighborhood Commercial (NC)
  - Public (P)
  - Residential, Single Family (R-1)
  - Residential, Single Family and Duplex (R-2)
  - Residential, Multi-Family (R-3)
  - Rural Residential (R-4)
- E. Marijuana production and marijuana processing facilities shall be designed to include controls and features to prevent odors from traveling off-site and being detected from a public place, the public right of way, or properties owned or leased by another person or entity.
- F. Marijuana retailers shall not include drive-thru, exterior, or off-site sales. Marijuana retailers shall not be located in a mobile or temporary structure.

- G. In accordance with WAC 314-55-147, marijuana retail sales shall not be open to the public between the hours of 12 a.m. and 8 a.m.
- H. Signage for marijuana production, processing and retail businesses shall be subject to the requirements of WAC 314-55-155 and MLMC Chapter 18.58, whichever is more restrictive. No off-premises signage is permitted.
- I. Displays against or adjacent to exterior windows shall not include marijuana or marijuana paraphernalia.
- J. As provided in RCW 69.50.331 and WAC 314-55-050, marijuana producers, marijuana processors, and marijuana retailers, shall not be allowed to locate within 1,000 feet of public parks, playgrounds, recreation/community centers, libraries, child care centers, schools, game arcades and public transit centers. For purposes of this standard, these uses are defined in WAC 314-55. The methodology for measuring the buffers shall be as provided in WAC 314-55. It shall be the responsibility of the owner or operator of the proposed state-licensed marijuana use to demonstrate and ensure that a proposed location is not within one of the buffers.
- K. An existing non-conforming use located within a zoning district that would otherwise not permit marijuana uses, such as an old convenience store in a residential district, shall not be allowed to convert to a marijuana use.
- L. Marijuana producers, marijuana processors and marijuana retailers shall connect to all City of Moses Lake utilities.
- M. Marijuana production, processing and retail sales are not permitted as a home occupation under MLMC Chapter 18.55.
- N. Retail marijuana sales may not be located within any other businesses, and may only be located in buildings with other uses only if the marijuana business is separated by full walls and with a separate entrance. No more than one marijuana retail business shall be located on a single parcel.
- O. Marijuana production, processing and retail sales are subject to all applicable requirements of Title 69 RCW and Chapter 314-55 WAC and other state statutes, as they now exist or may be amended.
- P. Marijuana production, processing and retail sales must take place within fully enclosed and indoor facilities.
- Q. No marijuana production, processing, or delivery of marijuana shall be visible to the public nor may it be visible through windows. A screened and secured loading dock, approved by the Director shall be required. The objective of this requirement is to provide a secure, visual screen from the public right of way and adjoining properties, and prevent the escape of odors when delivering or transferring marijuana, useable marijuana, and marijuana-infused products.
- R. All marijuana producers, processors and retailers shall allow inspection of the site and facilities by City personnel including law enforcement for compliance with all applicable state and local permits and licenses at any time during regular business hours.
- S. An application for a recreational marijuana business shall include the following information in addition to any application requirements required by the underlying zone:
  - 1. The application shall be made by:

- a. A marijuana State Liquor Control Board licensee; or
- b. an applicant for a State Liquor Control Board marijuana license.

The application shall include a copy of the State issued license or a copy of the license application on file with the State Liquor Control Board. A City business license shall not be issued for a recreational marijuana business unless the applicant is a State Liquor Control Board marijuana licensee;

- 2. A map drawn to scale showing that the proposed recreational marijuana business is at least 1,000 feet from all uses specified in RCW 69.50.331 and WAC 314-55-050. A survey prepared by a surveyor licensed in the state of Washington may be required by the Director; and
- T. A recreational marijuana business shall meet all security requirements as required by WAC 314-55-083 and shall provide proof of such operational security system prior to issuance of a City business license.
- U. All fertilizers, chemicals, gases, and hazardous materials shall be handled in compliance with all applicable local, state and federal regulations. No fertilizers, chemicals, gases or hazardous materials shall be allowed to enter a sanitary sewer or storm sewer system, nor be released into atmosphere outside of the structure where the business is located.

Section 2. This ordinance shall take effect and be in force five (5) days after its passage and publication of its summary as provided by law.

Adopted by the City Council and signed by its Mayor on May 26, 2015.

  
\_\_\_\_\_  
Dick Deane, Mayor

ATTEST:

  
\_\_\_\_\_  
W. Robert Taylor, Finance Director

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Katherine L. Kenison, City Attorney