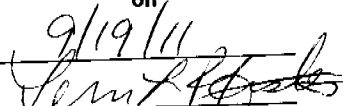
 <b>Agenda Sheet for City Council Meeting of*</b> <input type="text" value="09/19/2011"/>		<input checked="" type="checkbox"/> <b>Date Rec'd</b> <small>(Clerk use only)</small> 09/07/2011
Briefing date: Monday, September 12, 2011 <input checked="" type="checkbox"/> <b>Status: SUBMITTED TO AGENDA</b>		<input checked="" type="checkbox"/> <b>Clerk's File #</b> LGL 2011-0030
<input checked="" type="checkbox"/> <b>Renews #</b> _____		<input checked="" type="checkbox"/> <b>Cross Ref #</b> IP 2011-5
<input checked="" type="checkbox"/> <b>Submitting Dept*:</b> CITY CLERK	<input checked="" type="checkbox"/> <b>Project #</b> _____	<input checked="" type="checkbox"/> <b>Bid #</b> _____
<input checked="" type="checkbox"/> <b>Contact Name &amp; Phone*:</b> TERRI 6354	<input checked="" type="checkbox"/> <b>Requisition #</b> _____	<input type="checkbox"/> <b>Add'l Docs Attached?</b> <input type="checkbox"/> Report Item
<input checked="" type="checkbox"/> <b>Agenda Item Name:</b> Begin with Dept # 0260 - SET HEARING ON INITIATIVE 2011-5 BALLOT TITLE AND		
<input checked="" type="checkbox"/> <b>Agenda Wording*:</b> (17 character max) <input type="checkbox"/> Additional attached? Set Hearing before City Council for Monday, September 26, 2011, on Proposed Ballot Title and Summary of Measure for Initiative No. 2011-5, sponsored by Citizens for a Sensible Spokane, regarding Medical Cannabis Product Regulations.		
<input checked="" type="checkbox"/> <b>Summary (Background)*:</b> (194 character max.) <input type="checkbox"/> Additional attached? On July 28, 2011, Ian Moddy, on behalf of Citizens for a Sensible Spokane, filed a proposed initiative with the Office of the City Clerk. Pursuant to SMC 2.02.030, the City Attorney's Office reviewed the measure and, in consultation with the petitioner, prepared a ballot title and summary of the measure.		
<input checked="" type="checkbox"/> <b>Fiscal Impact</b>		<input type="checkbox"/> <b>Budget Account</b> <input type="checkbox"/> Additional attached?
Select	\$	#
Select	\$	#
Select	\$	#
Select	\$	#
<input checked="" type="checkbox"/> <b>Approvals</b>		<input checked="" type="checkbox"/> <b>Council Notifications (Date)</b> <input checked="" type="checkbox"/> None
Dept Head	PFISTER, TERRI	Study Session
Division Director		Other
Finance	LESESNE, MICHELE	<input checked="" type="checkbox"/> <b>Distribution List</b> (Emails preferred) <input type="checkbox"/> Additional?
Legal	PICCOLO, MIKE	mpiccolo@spokanecity.org
For the Mayor	WEBSTER, DOROTHY	Ian Moody (admin@sdpdirect.org)
<input checked="" type="checkbox"/> <b>Additional Approvals</b>		
Purchasing		
Select Dept 1		
Select Dept 2		
Select Dept 3		

Save

Cancel

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APPROVED BY SPOKANE CITY COUNCIL

on  
 9/19/11  
  
 SPOKANE CITY CLERK

2

9/8/2011

**Continuation of Wording, Summary, and Distribution**

**Agenda Item Name:** 0260 - SET HRG ON INITIATIVE 2011-4 BALLOT TITLE AND SUMMARY

**Agenda Wording** (630 character max)

**Summary (Background)** (455 character max)

Pursuant to SMC 2.02.040, at the September 26, 2011, Hearing on the matter, the City Council may decide:

- 1) to pass the measure as proposed;
- 2) to submit the initiative to the voters on its own motion;
- 3) to provide for legal review of the procedural and substantive validity of the proposed measure by the City Attorney, if requested by the sponsor; or
- 4) to approve a ballot title and summary of the measure.

**Fiscal Impact**

Select	\$	
Select	\$	
Select	\$	
Select	\$	

**Budget Account**

#	
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**Distribution List**


Save Cancel

**WARNING**

Under Washington State law every person who signs an initiative or referendum petition with any other than his or her true name, knowingly signs more than once, or signs when he or she is not a legal voter; or signs a petition when he or she is otherwise not qualified to sign, or who makes any false statement on such petition may be guilty of a misdemeanor.

Initiative Petition to the Spokane City Council

INITIATIVE NO. 2011 – 5

We, the undersigned citizens and legal voters of the City of Spokane, Washington, respectfully direct that this proposed ordinance, known as Initiative No. 2011 – 5, a full, true, and correct copy of which is printed herein, be passed without alterations by the Spokane City Council, or be submitted to the electors of the City of Spokane for their approval or rejections at the next available special or general municipal election. If submitted to election, the proposed ordinance shall appear as the following proposition.

**CITY OF SPOKANE**

**PROPOSITION NO. \_\_\_\_**

**An Ordinance Regarding Medical Cannabis Product Regulations.**

This proposition will provide for local regulation of medical cannabis products used pursuant to state law including the requirement that such use comply with laws of the City, is not exempt from smoking regulations, and is prohibited from open use and display as established by state law. This proposition further provides that the issuance of a business license or permit related to medical cannabis use shall not be deemed as approval of such use.

**SHOULD THIS PROPOSITION BE APPROVED?**

YES .....   
NO .....

Each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the City of Spokane; my residence address is correctly stated; and I have knowingly signed this petition only once.

(The full text of the proposed ordinance is printed on reverse side of this page and continuing on the pages following)



## **Summary of Measure**

### **THE LAW AS IT CURRENTLY EXISTS:**

The City of Spokane does not have regulations regarding the medical use of cannabis. The medical use of cannabis is regulated primarily by state and federal law. The City charges adult marijuana offenses pursuant to the state Uniform Controlled Substance Act, Chapter 69.50 RCW, and the Medical Use of Marijuana Act, Chapter 69.51A RCW, and the City's ordinance prohibiting possession of a controlled substance, Chapter 10.15 SMC.

### **THE EFFECT OF THE PROPOSAL, IF APPROVED:**

This ordinance provide for local regulation of medical cannabis products used pursuant to state law including the requirement that such use comply with and is not exempt from the laws of the City, is not exempt from smoking regulations, and is prohibited from open use and display as established by state law. This proposition further provides that the issuance of a business license or permit related to medical use cannabis use shall not be deemed as approval of such use.

## **Medical Cannabis Product Regulations**

AN ORDINANCE regarding medical cannabis or medical cannabis products, and the regulation thereof within the City of Spokane, adopting a new chapter 10.15B of the Spokane Municipal Code.

WHEREAS, federal law prohibits the production, processing, and dispensing of medical cannabis or medical cannabis products, and strict sentencing guidelines enhance the penalties for violations of more than ninety nine plants or within one thousand feet of a school; and

WHEREAS, state law strictly enhances the penalties for violations of the Controlled Substances Act for violations within one thousand feet of a school; and

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

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

WHEREAS, in 2011 the Washington State Legislature passed ESSSB

5073 which permits 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

WHEREAS, in 2011 the Washington State Legislature passed ESSSB 5073 which permits cities to regulate and license the production, processing, or dispensing of cannabis or cannabis products within their jurisdiction; and

WHEREAS, in 2011 Governor Christine Gregoire signed into law some portions of ESSB 5073, described above, to take effect on July 22, 2011; and

WHEREAS, until recent action on behalf of the Drug Enforcement Administration, there were numerous medical cannabis dispensaries within the City of Spokane, many of which were complying with local laws and regulations and peacefully providing care to qualified patients; and

WHEREAS, the Seattle City Council recently passed an ordinance to regulate medical cannabis within city limits allowing providers to continue assisting patients in a safe, consistent, reliable, and efficient manner; and

WHEREAS, based on an estimate that four to five percent of Spokane residents, like in other jurisdictions, are medical cannabis users, Spokane may have over ten thousand patients using medical cannabis; and

WHEREAS, proponents for the medical use of cannabis believe that such use should be conducted in a safe and fair manner for the health, safety and welfare of the community; and

WHEREAS, proponents for the medical use of cannabis acknowledge federal prohibition but want to respond to the changes in state law in a responsible manner that will minimize impacts on patients, providers, and the health, safety, and welfare of the community; -- Now, Therefore,

The City of Spokane does ordain:

Section 1. That there is adopted a new chapter 10.15B Medical Cannabis Products Regulations to title 10 of the Spokane Municipal Code to read as follows:

## **Chapter 10.15 B**

### **Medical Cannabis Product Regulations**

#### **10.15B.010 Title**

This chapter shall be known as the Medical Cannabis Product Regulations.

**10.15B.020 Medical Cannabis Product Regulations**

- A. The medical use of cannabis under chapter 69.51A RCW shall be conducted in compliance with all local laws and regulations applicable to similar activities.
  
- B. Any manufacture, production, processing, possession, transportation, delivery, dispensing, application, or administration of cannabis, that qualifies as the medical use of cannabis under chapter 69.51A RCW, shall not exempt any person from complying with requirements of any applicable law of the City of Spokane, including but not limited to:
  - 1. The requirements to obtain a business license for engaging in business in the City of Spokane as set forth in Spokane Municipal Code ("SMC") chapter 8.01, and to report and/or pay all applicable taxes and fees; and
  - 2. Requirements of the City's Land Use Standards as set forth in SMC Title 17C, including any and all requirements for land use permits; and
  - 3. Requirements of the City's Construction Standards as set forth in SMC Title 17F; and
  - 4. Requirements of the Americans with Disabilities Act; and
  - 5. Requirements of the Spokane Regional Health District for food service and food handling as set forth in Chapter 6.04 SMC; and
  - 6. Requirements of the City's Chronic Nuisance Property laws as set forth in chapter 10.08A SMC; and
  - 7. Requirements of the City's Law Against Discrimination as set forth in chapter 1.06 SMC.
  
- C. The issuance of a business license pursuant to chapter 8.01 SMC, or the issuance of any other permit or license by the City, shall not be deemed as approval or permission from the City of Spokane 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, possession, transportation, delivery, dispensing, application, or administration of and use of cannabis engaged in by the licensee or permittee is either legal or illegal under state or federal law.

- D. The medical use of cannabis shall not exempt any person from complying with any no smoking law.
- E. The open use and display of cannabis is prohibited by RCW 69.51A.060.
- F. Community members seeking to complain about non-emergency problems at a medical cannabis facility in their neighborhood may do so by contacting the City of Spokane Customer Service. Emergencies and crime in progress should be reported to 9-1-1. Regulatory agencies should report non-compliant owners, operators and properties to the City of Spokane Code Enforcement or similar interdepartmental code enforcement work group to insure a coordinated and thoughtful City response.

**10.15B.020 Enforceability**

All sections of this chapter are mandatory. If any provision of this chapter is not carried out properly, any person who is registered to vote in the city of Spokane may seek judicial action to ensure the law is fully implemented.

**10.15.030 Severability**

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provisions to other persons or circumstances shall not be affected thereby.

**Spokane Municipal Code**

Wednesday, September 7, 2011 - 9:45 AM

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**Title 02 Council and Legislation**

**Chapter 02.02 Initiative and Referendum**

**Section 02.02.030 Optional Preliminary Filing of Initiative Measure**

- A. In order to facilitate the processing of a proposed initiative measure, a petitioner may file a preliminary version of the proposed measure with the city clerk.
- B. The proposed measure must contain the mailing address of the petitioner and telephone number of the petitioner or petitioner's representative.
- C. The city clerk must immediately transmit a copy of the proposed measure to the city attorney.
- D. Within two weeks after receiving the measure the city attorney prepares, after consultation with the petitioner(s), a ballot title and summary of the measure and files them with the city clerk.
  - 1. The ballot title is a concise statement posed as a question, not to exceed seventy-five words, bearing the number of the measure, giving a true and impartial statement of the purpose of the measure. When practicable, the question posed by the ballot title is written in such way that an affirmative answer to the question and an affirmative vote on the measure would result in a change in the law.
  - 2. The summary of the measure should be a clear and concise statement not to exceed one hundred fifty words.
  - 3. Neither the ballot title nor the summary of the measure is intentionally an argument or likely to create prejudice for or against the measure.
- E. Upon receipt of the ballot title and summary from the city attorney, the city clerk assigns a number by which the measure is identified. The city clerk affixes the ballot title and summary to the original of the proposed measure, inscribes the identifying number upon it and retains it in the official file.
- F. The city clerk must immediately furnish a copy of the proposed measure with its ballot title and summary to the sponsor and prepare a report to the city council for the next agenda. The city council sets a date for hearing. The hearing is held one week hence unless circumstances dictate otherwise.

Date Passed: Monday, February 5, 2007

Recodification ORD C33976 Section 1

**Spokane Municipal Code**

Wednesday, September 7, 2011 - 9:42 AM

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**Title 02 Council and Legislation**

**Chapter 02.02 Initiative and Referendum**

**Section 02.02.040 Optional Council Action on Preliminary Initiative Measure**

At the hearing the city council may decide to:

- A. pass the measure as proposed or submit the initiative measure to the voters on its own motion;
- B. provide for legal review of the procedural and substantive validity of the proposed measure by the city attorney, if requested by the sponsor; or
- C. approve a ballot title and summary of the measure.

Date Passed: Monday, February 5, 2007

Recodification ORD C33976 Section 1