

CITY OF WINLOCK, WASHINGTON
ORDINANCE NO. 1150

AN ORDINANCE OF THE CITY OF WINLOCK, WASHINGTON, REAFFIRMING, AMENDING, AND REPEALING SECTIONS OF WINLOCK MUNICIPAL CODE CHAPTER 18.40 CONCERNING LAND USE AND ZONING, REGARDING THE PRODUCTION, PROCESSING AND RETAIL SALE OF MARIJUANA AND MARIJUANA-INFUSED PRODUCTS; AMENDING ORDINANCE NO. 1020 AS NECESSARY; AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

RECITALS:

WHEREAS, the City of Winlock, Washington (the “City”) is a Code City under the laws of the State of Washington; and

WHEREAS, pursuant to RCW 35A.11.020, the City may adopt and enforce ordinances of all kinds relating to and regulating the City’s local or municipal affairs and appropriate to the good government of the City; and

WHEREAS, all references herein to “WMC” shall mean the “Winlock Municipal Code,” and

WHEREAS, Chapter 18.40 WMC is entitled “MARIJUANA PRODUCTION, PROCESSING AND RETAIL SALE”; and

WHEREAS, Ordinance No. 1020, as codified at Chapter 18.40 of the Winlock Municipal Code, was enacted on February 10, 2014; and

WHEREAS, RCW 69.50.331(8)(d) provides that a municipal authority may permit a licensed marijuana retail premises within 1,000 feet but not less than 100 feet of the perimeter of the grounds of any recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged 21 years or older; and

WHEREAS, the Council desires to amend Chapter 18.40 WMC as set forth herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WINLOCK, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. **Section 1 of Ordinance No. 1020 as codified at 18.40.010 WMC (“Commercial zoning districts.”) is hereby affirmed in its entirety.**

Section 2. **Section 2 of Ordinance No. 1020 as codified at 18.40.020 (“Requirements.”) is amended to read as follows:**

Applicants for a conditional use permit for the production, processing, or retail sale of marijuana or marijuana-infused products must satisfy all requirements imposed by the state of Washington pursuant to Chapter 69.50 RCW, together with the standard requirements of all conditional uses in the City, and all other requirements of the C-1 zoning district.

In addition, the following conditions shall apply to the production, processing or retail sale of marijuana or marijuana-infused products:

- A. No licensed marijuana retailer shall be permitted within 1,000 feet of the perimeter of the grounds of any elementary or secondary school, playground. No licensed marijuana retailer shall be permitted within 400 feet of the perimeter of recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged 21 years or older. No licensed marijuana retailer shall place advertisements (except as authorized by subsection (D)), within one thousand feet (1,000’) of the perimeter of a school ground, playground, recreation center or facility, child care center, public park, or library, or any game arcade admission to which is not restricted to persons aged twenty-one (21) years or older; on or in a public transit vehicle or public transit shelter; or on or in a publicly owned or operated property.
- B. Retail outlets shall sell no products or services other than usable marijuana, marijuana-infused products, or paraphernalia intended for the storage or use of usable marijuana or marijuana-infused products.
- C. Licensed marijuana retailers shall not employ persons under 21 years of age or allow persons under 21 years of age to enter or remain on the premises of a retail outlet.
- D. Licensed marijuana retailers shall not display any signage in a window, on a door, or on the outside of the premises of a retail outlet that is visible to the general public from a public right-of-way, other than a single sign no larger than 1,600 square inches identifying the retail outlet by the licensee’s business or trade name.
- E. Licensed marijuana retailers shall not display usable marijuana or marijuana-infused products in a manner that is visible to the general public from a public right-of-way.
- F. No licensed marijuana retailers or employee of a retail outlet shall open or consume, or allow to be opened or consumed, any usable marijuana or marijuana-infused product on the outlet premises.

Section 3. **New Section.** Section 18.40.030 WMC is hereby created to state:

18.40.030 State license required.

Such facilities and uses may be located only at the designated sites licensed by the state of Washington and fully conforming to state laws. A valid, current license is required from the Washington State Liquor and Cannabis Board for operation of any marijuana, producer, processor, or retail outlet. A copy of the state license must be submitted to the city as part of the application for a business license required by 18.40.040 WMC.

Section 4. **New Section.** Section 18.40.040 WMC is hereby created to state:

18.40.040 City business license required.

A marijuana processor, producer, and retailer must obtain a city business license prior to operation of the business. The issuance of a city business license does not grant any special authority for the production, processing or sale of marijuana. The issuance of a city business license does not grant any special privilege to violate federal law. Obtaining a city business license does not provide a licensee with any affirmative defense to a violation of federal law. By accepting a city issued business license, the licensee waives and releases the city, its officers, elected officials, employees, volunteers and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of business owners, operators, employees, clients or customers for a violation of federal, state, or local laws and regulations.

Section 5. **New Section.** Section 18.40.050 WMC is hereby created to state:

18.40.050 No city liability – Indemnification.

The production, processing and retailing of marijuana is and remains illegal under federal law. Nothing herein or as provided elsewhere in the ordinances of the city of Winlock is an authorization to circumvent federal law or provide permission to any person or entity to violate federal law. Only state-licensed marijuana producers, marijuana processors, and marijuana retailers may locate in the city of Winlock and then only pursuant to a license issued by the state of Washington.

Section 6. **New Section.** Section 18.40.060 WMC is hereby created to state:

18.40.060 References to state law.

Any and all reference to state statutes are in effect as referenced in this chapter 18.40 WMC or as hereinafter amended by state authority.

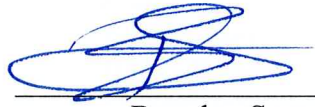
Section 7. **Repealer.** All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Section 8. **Severability.** If any section, sentence, clause, or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 9. **Effective Date.** This ordinance shall take effect five (5) days after its publication, or publication of a summary thereof, in the City’s official newspaper, or as otherwise provided by law.

Section 10. Corrections. Upon approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbers, section/subsection numbers, and any references thereto.

PASSED by the Council of the City of Winlock, Washington, and **APPROVED** by the Mayor of the City of Winlock at a regularly scheduled open public meeting thereof, this 22nd day of January, 2024.



Brandon Svenson, Mayor

Attest:

Approved as to form:



Penny Jo Haney, City Clerk



Eric J. Lanza, WSBA # 50042
City Attorney

Approved Reading:

1/22 /2024

Publication Date:

1/25 /2024

Effective Date:

1/30 /2024