

17.22.170 State licensed marijuana production, processing, and sales.

A. The production, processing and retailing of marijuana remains illegal under federal law. The purpose of this chapter is solely to acknowledge the enactment by Washington voters of Initiative 502 and Initiative 692 and a state licensing procedure; and to permit, but only to the extent required by state law, marijuana producers, processors, and retailers to operate in designated zones of the city. No part of this section is intended to or shall be deemed to conflict with federal law, in accordance with U.S. Department of Justice enforcement guidelines, including but not limited to the Controlled Substances Act, 21 U.S.C. Section 800 et seq. and the Uniform Controlled Substances Act (Chapter 69.50 RCW), nor to otherwise permit any activity that is prohibited under either Act, or any other local, state or federal law, statute, rule or regulation. Nothing in this section shall be construed to supersede Washington State law prohibiting the acquisition, possession, manufacture, sale or use of marijuana in any manner not authorized by Chapter 69.50 or 69.51A RCW. Nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or that creates a nuisance, as defined herein. It is the intention of the city council that this section be interpreted to be compatible with federal and state enactments and in furtherance of the public purposes that those enactments encompass.

B. Marijuana retail sales may be permitted in LI, Light Industrial or GC, General Commercial zoning districts and within the adult oriented business overlay or the recreational marijuana sales overlay and in compliance with KMC 17.22.170(D) and (E).

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C. No marijuana producer, or processor may be located within one thousand feet, as measured by the shortest straight line distance from the property line of the licensed premises to the property line of any of the following:

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1. Elementary or secondary school;
2. Playground;
3. Recreation center or facility;
4. Child care center;
5. Public park;
6. Public transit center;
7. Library; or
8. Any game arcade (where admission is not restricted to persons age twenty-one or older).

D. No marijuana retailer may be located within one thousand feet, as measured by the shortest straight line distance from the property line of the licensed premises to the property line of any of the following:

1. Elementary or secondary school; or
2. Playground.

E. No marijuana retailer may be located within one hundred feet, as measured by the shortest straight line distance from the property line of the licensed premises to the property line of any of the following:

1. Recreation center or facility;
2. Child care center;
3. Public park;
4. Public transit center;
5. Library; or

Deleted: The Kelso Municipal Code is current through Ordinance 3909, passed May 15, 2018.

6. Any game arcade (where admission is not restricted to persons age twenty-one or older).

F. A valid, current license is required from the Washington State Liquor and Cannabis Board for operation of any recreational marijuana producer, processor or retail outlet.

G. A business license is required from the city for operation of any marijuana producer, processor or retailer.

H. All marijuana grow operations shall be located indoors. Outdoor grow operations are prohibited.

I. All signage and advertising for a recreational marijuana processor, producer or retailer shall comply with the applicable provisions of this code, the sign code, zoning code and WAC 314-55-155 (and all applicable rules for city, state, and federal regulations) as amended.

J. Security measures at all licensed premises shall comply with the requirements of WAC 314-55-083 (and all applicable rules for city, state and federal regulations) as amended.

K. All licensees and any agent, manager or employee thereof shall immediately report to the city police department any disorderly act, conduct or disturbance and any unlawful activity committed in or on the licensed and permitted premises, including, but not limited to, any unlawful resale of marijuana, and shall also immediately report any such activity in the immediate vicinity of the business.

L. Each licensee shall post and keep at all times visible to the public in a conspicuous place on the premises a sign with a minimum height of fourteen inches and a minimum width of eleven inches with each letter to be a minimum of one-half inch in height, which shall read as follows:

WARNING:

The City of Kelso Police Department must be notified of all disorderly acts, conduct or disturbances and all unlawful activities which occur on or within the premises of this licensed establishment.

M. No use that constitutes or purports to be a marijuana producer, marijuana processor, or marijuana retailer, as those terms are defined in this title, that was engaged in that activity prior to the enactment of this chapter shall be deemed to have been a legally established use under the provisions of the Kelso Municipal Code, and that use shall not be entitled to claim legal nonconforming status.

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1. Any residential zone.¶
2. Any mobile home or RV park.¶

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