



Washington State Liquor Control Board

Fact Sheet

Initiative 502's impact on the Washington State Liquor Control Board

Summary

Initiative 502 would license and regulate marijuana production, distribution, and possession for persons over 21; remove state-law criminal and civil penalties for activities that it authorizes. Tax marijuana sales and earmark marijuana-related revenues. The new tightly regulated and licensed system would be similar to those used to control alcohol.

Licenses and Fees

Creates an application process that mirrors the liquor license application process

Creates three new marijuana licenses: producer, processor, and retailer. The fee for each license is a \$250 application fee and \$1000 annual renewal fee.

- Marijuana Producer: produces marijuana for sale at wholesale to marijuana processors and allows for production, possession, delivery, distribution.
- Marijuana Processor: processes, packages, and labels marijuana/marijuana infused product for sale at wholesale to marijuana retailers and allows for processing, packaging, possession, delivery, distribution.
- Marijuana Retailer: allows for sale of useable marijuana/marijuana infused products at retail outlets regulated by the WSLCB.

The initiative allows the WSLCB to charge fees for anything done to implement/enforce the act. For example, fees could be charged on sampling, testing, and labeling that would be the cost of doing business as a licensee

Marijuana Taxes

The initiative creates three new excise taxes to be collected by the WSLCB:

- Excise tax equal to 25% of the selling price on each sale between licensed producer and licensed processor. Paid by the producer.
- Excise tax equal to 25% of the selling price on each sale of usable marijuana/marijuana infused product from a licensed processor to a licensed retailer. Paid by the processor.
- Excise tax equal to 25% of the selling price on each licensed retail sale of usable marijuana/marijuana infused product. Paid by the retailer. **This tax is in addition to any/all applicable general, state, and local sales and use taxes, and is part of the total retail price.**
- All funds from marijuana excise taxes are deposited in the Dedicated Marijuana Fund. Disbursements from the Dedicated Marijuana Fund shall be on authorization of the WSLCB or a duly authorized representative.

Initiative 502 allows for the WSLCB to enact rules that establish procedures and criteria for:

- The equipment, management and inspection of production, processing, and retail outlets.
- Books and records maintained by licensed premises.
- Methods of producing, processing and packaging of marijuana/marijuana infused products, to include conditions of sanitation.

- Standards of ingredients, quality, and identity of marijuana/marijuana infused products produced, processed and sold by licensees.
- Security requirements for retail outlets and premises where marijuana is produced and processed.

Retail Outlets

Specific number of retail outlets and licenses will be determined by the WSLCB in consultation with the Office of Financial Management taking into account population, security and safety issues, and discouraging illegal markets. The initiative also caps retail licenses by county.

- Retail outlets may not employ anyone under the age of 21, nor allow anyone under the age of 21 to enter the premises.
- Retail outlets are only authorized to sell marijuana/marijuana products or paraphernalia.
- Retailers are allowed one sign identifying the outlet's business or trade name, not to exceed 1600 square inches.
- They are not allowed to display marijuana or marijuana related products in a manner that is visible to the general public.

Possession

If enacted, individuals twenty-one years of age or older are legally authorized to possess and use marijuana-related paraphernalia and any combination of:

- One ounce of useable marijuana;
- 16 ounces of marijuana infused product in solid form; or
- 72 ounces of marijuana infused product in liquid form.

Individuals will still be subject to criminal prosecution for:

- Possession in amounts greater than what is listed above.
- Possession of any quantity or kind of marijuana/marijuana infused product by a person under 21 years of age.

Price

The Office of Financial Management places a **price estimate of \$12 per gram**. Medicinal marijuana dispensary prices on average range between \$10 and \$15 per gram with some premium products exceeding \$15 per gram.

Based on average retail mark-up practices, estimated producer price is \$3 per gram and estimated processor price is \$6 per gram.

Timeline

- November 6, 2012: Public vote on Initiative 502.
- December 6, 2012: Initiative 502 goes into effect (30 days after general election).
- December 1, 2013: Deadline for the WSLCB to establish the procedures and criteria necessary to implement the initiative.

###



I-502: Marijuana Initiative

Washington State voters passed Initiative 502 on election night, legalizing marijuana use.

What does the initiative do?

The initiative legalizes marijuana use for persons over 21. Private stores, producers and processors are allowed to be licensed to sell marijuana and marijuana infused products. The Washington State Liquor Control Board (LCB) is tasked with regulating and taxing marijuana. Portions decriminalizing the possession of marijuana take effect Dec. 6, 2012. Rules regarding licensing and sales are set to occur no later than Dec. 1, 2013.

Who can sell marijuana?

The initiative provides for licensed retail locations. Marijuana stores can only sell marijuana, marijuana-infused products, and paraphernalia.

Stores are allowed to sell to an individual any combination of the following: one ounce of useable marijuana, 16 ounces of marijuana-infused product in solid form, or 72 ounces of marijuana-infused product in liquid form. Stores may not allow on-premises consumption.

Stores are prohibited from advertising or showing product visible from outside the store.

No one under the age of 21 may enter marijuana stores, and store owners and employees also must be over 21.

What are the rules for users?

In addition to being over 21, marijuana cannot be opened or consumed in public. The initiative also establishes a presumptive standard for driving under the influence of marijuana-similar to standards for alcohol- but only available as a blood test.

How is marijuana going to be regulated?

The LCB is tasked with regulating and licensing marijuana producers, processors, and retailers. The maximum number of retailers per county, the maximum amount of marijuana a retailer and producer have on premises, how and when marijuana could be transported, and product labeling requirements become responsibilities of the LCB. Rules about security requirements, employee training and supervision, and locations and hours of retail operations are also the LCB's tasks.

Cities and counties must be notified of any applications in their jurisdiction and may object under a process similar to liquor license objections. No license can be approved for locations within 1,000 feet of elementary or secondary schools, playgrounds, recreation centers, day cares, parks, transit centers, libraries, and arcades.

Will the initiative impose taxes on marijuana?

Yes. At each transaction point (producer to processor, processor to retailer, and retailer to consumer) a 25% excise tax would be levied. Local and state sales tax will also be levied on retail sales.

The excise taxes are to be placed in a dedicated marijuana fund and are to be primarily distributed to the state's Basic Health Plan, the state general fund, health-related programs, and the LCB for administrative costs. Local governments do not get a share of the excise tax.

Does the initiative address medical marijuana?

The initiative is silent on medical marijuana. However, I-502 may impact medical users as marijuana could be purchased at retail stores. Furthermore, state and local criminal penalties for possession and use are eliminated.

And what about federal law?

The initiative does not change federal law, and the federal government could continue to arrest marijuana producers, processors, retailers, and users.

AWC contact

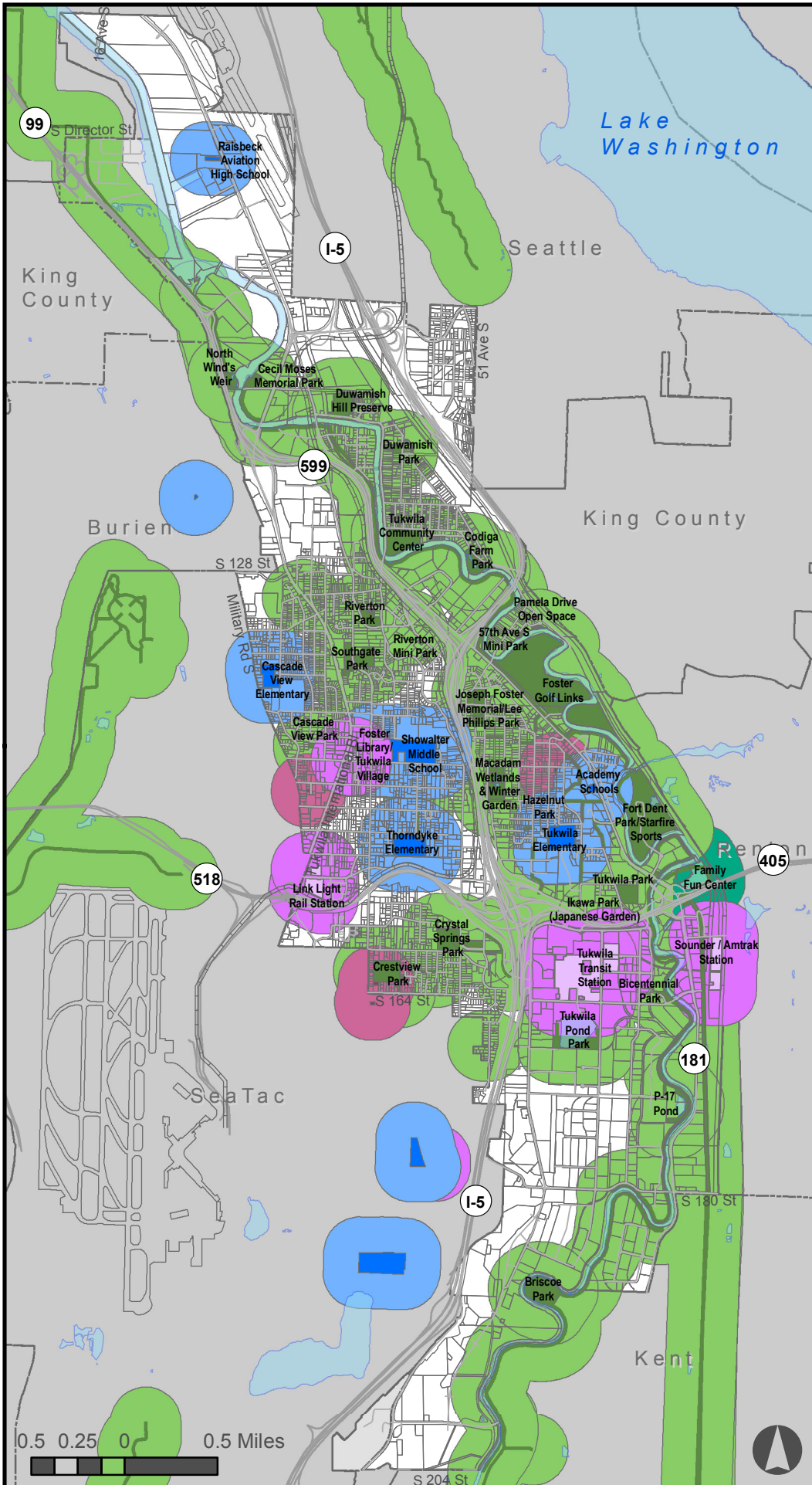
Candice Bock, candiceb@awcnet.org
Legislative & Policy Advocate

Brittany Sill, brittanys@awcnet.org
Legislative & Policy Analyst







AWC has not taken a position for or against this ballot initiative. AWC's role is to provide its members with educational materials that can be shared with elected officials, staff and the community. In addition, please review the PDC's guidelines for elected and appointed officials' participation in ballot proposition activity.



Location Restrictions Imposed by I-502

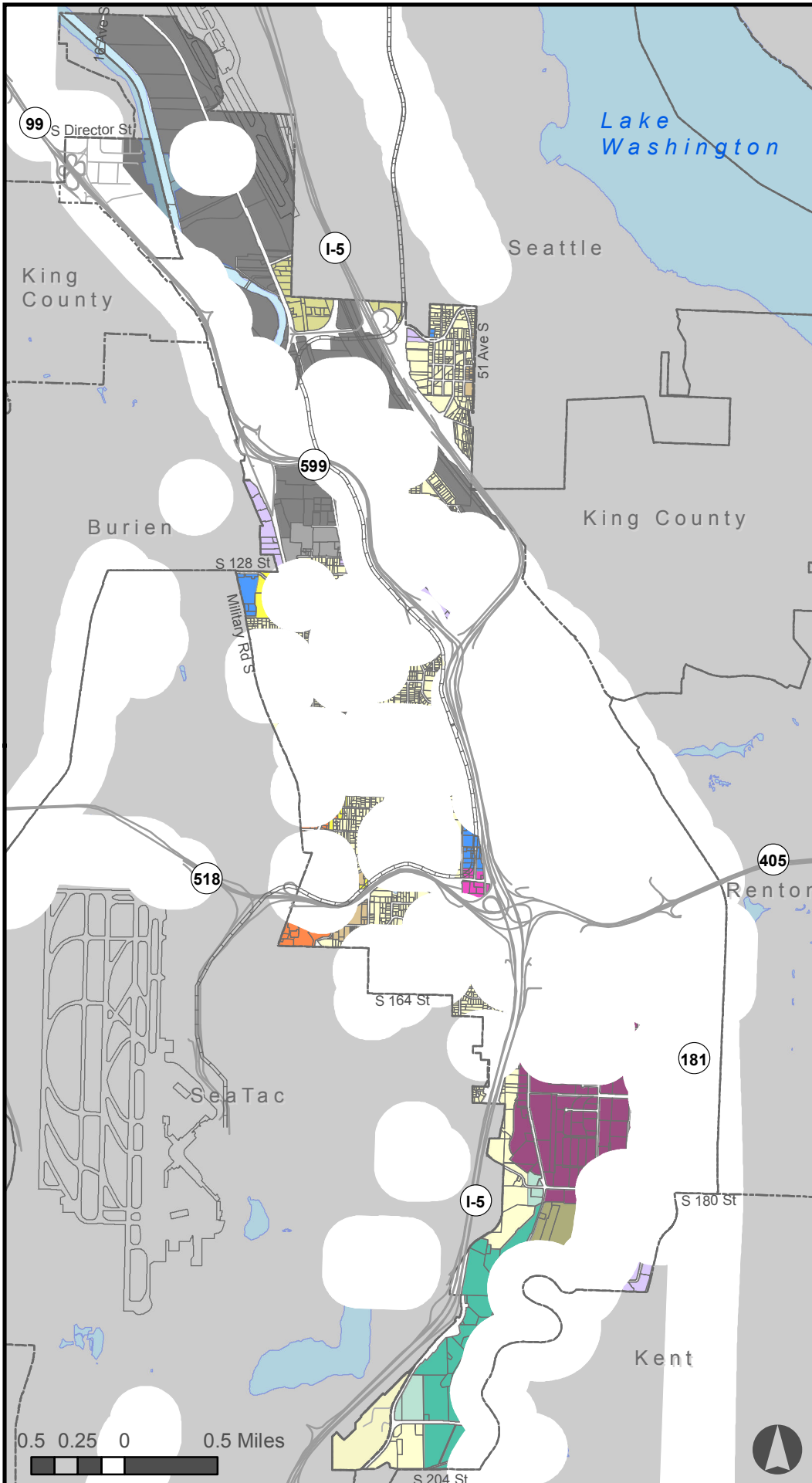


Legend

-  Trails
-  Schools Buffer
-  Parks Buffer
-  Family Fun Center (Arcade) Buffer
-  Childcare Centers Buffer
-  Libraries & Transit Stations Buffer



Zones where marijuana uses would be permitted



Legend

- White Areas = Locations Restricted by WSLCB
- LDR Low Density Residential
- MDR Medium Density Residential
- HDR High Density Residential
- MUO Mixed Use Office
- O Office
- RCC Residential Commercial Center
- RC Regional Commercial
- RCM Regional Commercial Mixed Use
- TUC Tukwila Urban Center
- CLI Commercial Light Industrial
- LI Light Industrial
- HI Heavy Industrial
- MIC/L Manufacturing Industrial Center/Light Industrial
- MIC/H Manufacturing Industrial Center/Heavy Industrial
- TVS Tukwila Valley South

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING VARIOUS ORDINANCES RELATING TO LAND USE AND ZONING AS CODIFIED AT TUKWILA MUNICIPAL CODE SECTION 18.40.020 AND ESTABLISHING A NEW SECTION 18.50.210; ADOPTING ZONING RESTRICTIONS ON THE PRODUCTION, PROCESSING, AND RETAILING OF RECREATIONAL MARIJUANA USES; DESCRIBING THE LAND USE IMPACTS TRIGGERING SUCH RESTRICTIONS; IDENTIFYING THE PERMITTED ZONE FOR RECREATIONAL MARIJUANA USES AS THE TUKWILA VALLEY SOUTH AND HEAVY INDUSTRIAL ZONES; ESTABLISHING SEPARATION AND DISTANCE REQUIREMENTS WITHIN THE PERMITTED ZONES; ESTABLISHING PROCEDURES FOR ENFORCEMENT OF VIOLATIONS INCLUDING ABATEMENT OF MARIJUANA NUISANCES; REPEALING ORDINANCE NO. _____, WHICH ESTABLISHED THE MORATORIUM ON RECREATIONAL MARIJUANA USES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, since 1970, federal law has prohibited the manufacture and possession of marijuana as a Schedule I drug, based on the federal government’s categorization of marijuana as having a “high potential for abuse, lack of any accepted medical use, and absence of any accepted safety for use in medically supervised treatment.” *Gonzales v. Raich*, 545 U.S. 1, 14 (2005), Controlled Substance Act (CSA), 84 Stat. 1242, 21 U.S.C. 801 et seq; and

WHEREAS, on November 6, 2012, Initiative 502 was passed by the voters of the State of Washington, providing a framework under which marijuana producers, processors, and retailers can become licensed by the State of Washington; and

WHEREAS, Initiative 502 directs the Washington State Liquor Control Board (WSLCB) to develop rules and regulations to:

1. Determine the number of producers, processors and retailers of marijuana by county;
2. Develop licensing and other regulatory measures;

3. Issue licenses to producers, processors, and retailers at locations which comply with the Initiative's distancing requirements prohibiting such uses within 1,000 feet of schools and other designated public facilities; and
4. Establish a process for the City to comment prior to the issuance of such licenses; and

WHEREAS, the WSLCB is expected to adopt new regulations on recreational marijuana on August 14, 2013, and to begin issuance of marijuana producer, processor and retail licenses to qualified applicants in December 2013; and

WHEREAS, Section 69.51A.140 RCW delegates authority to cities and towns to adopt and enforce zoning requirements, business licensing requirements, health and safety requirements, and business taxes as exercises of the City's police powers; and

WHEREAS, the City Council wishes to clarify that the manufacture, production, processing, retailing, possession, transportation, delivery, dispensing, application, or administration of marijuana must comply with all applicable City laws, and that compliance with City laws does not constitute an exemption from compliance with applicable state and federal regulations; and

WHEREAS, the City of Tukwila believes that the health, safety, and welfare of the community is best served by excluding from certain zones any production, processing, selling or delivery of marijuana; and

WHEREAS, the City of Tukwila adopted Ordinance No. (to be adopted), imposing a moratorium on recreational marijuana uses while zoning for said uses is established; and

WHEREAS, Ordinance No. (to be adopted) requires formal action by the City Council to terminate the moratorium; and

WHEREAS, the City Council has studied the land use and other secondary impacts of recreational marijuana use, and has now drafted a zoning ordinance to address these impacts; and

WHEREAS, the State Environmental Policy Act (SEPA) Responsible Official issued a threshold decision for this draft ordinance on July 26, 2013 (to be issued) which was/was not appealed; and

WHEREAS, on July 25, 2013 (to be held), the Planning Commission held a public hearing on the draft zoning ordinance; and

WHEREAS, the Planning Commission recommended approval (to be determined) of the draft zoning ordinance to the City Council; and

WHEREAS, on **August 26, 2013 (to be held)**, the City Council held a hearing on the draft zoning ordinance, after proper notice, during its regular meeting; and

WHEREAS, the City Council after due consideration believes that certain amendments to the City's zoning code are necessary; and

WHEREAS, the City Council decided to adopt a zoning ordinance and to formally repeal the moratorium on recreational marijuana uses (Ordinance No. **(to be adopted)**);

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Formal Repeal of Moratorium. Ordinance No. **(to be adopted)**, a moratorium on the establishment of marijuana producers, processors, and retailers asserted to be authorized under Initiative No. 502, is hereby repealed.

Section 2. TMC Section Adopted. A new section is hereby added to Tukwila Municipal Code (TMC) Chapter 18.06, "Definitions," as follows:

Marijuana

"Marijuana" means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

Section 3. TMC Section Adopted. A new section is hereby added to TMC Chapter 18.06, "Definitions," as follows:

Marijuana Processor

"Marijuana processor" means a person licensed by the state liquor control board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers.

Section 4. TMC Section Adopted. A new section is hereby added to TMC Chapter 18.06, "Definitions," as follows:

Marijuana Producer

"Marijuana producer" means a person licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

Section 5. TMC Section Adopted. A new section is hereby added to TMC Chapter 18.06, "Definitions," as follows:

Marijuana Retailer

"Marijuana retailer" means a person licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet.

Section 6. TMC Section Adopted. A new section is hereby added to TMC Chapter 18.06, "Definitions," as follows:

Marijuana-infused Products

"Marijuana-infused products" means products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana-infused products" does not include useable marijuana.

Section 7. TMC Section Adopted. A new section is hereby added to TMC Chapter 18.06, "Definitions," as follows:

Useable Marijuana

"Useable marijuana" means dried marijuana flowers. The term "useable marijuana" does not include marijuana-infused products.

Section 8. TMC Section 18.34.020 Amended. Ordinance Nos. **2368 §35, 2287 §25, 2251 §47, 2021 §7, 1986 §12, 1974 §8, 1971 §15, 1814 §2, 1774 §2, and 1758 §1 (part)**, as codified at TMC Section 18.34.020, (Heavy Industrial) "Permitted Uses," are hereby amended to read as follows:

18.34.020 Permitted Uses

The following uses are permitted outright within the Heavy Industrial District, subject to compliance with all other applicable requirements of the Tukwila Municipal Code:

1. Adult entertainment establishments are permitted, subject to the following location restrictions:

a. No adult entertainment establishment shall be allowed within the following distances from the following specified uses, areas or zones, whether such uses, areas or zones are located within or outside the City limits:

(1) In or within 1,000 feet of any LDR, MDR, HDR, MUO, O, NCC, RC, RCM or TUC zone districts or any other residentially-zoned property;

(2) In or within one-half mile of:

(a) Public or private school with curricula equivalent to elementary, junior or senior high schools, or any facility owned or operated by such schools; and

(b) Care centers, preschools, nursery schools or other child care facilities;

(3) In or within 1,000 feet of:

(a) public park, trail or public recreational facility; or

(b) church, temple, synagogue or chapel, or

(c) public library.

b. The distances specified in TMC Section 18.34.020.1.a. shall be measured by following a straight line from the nearest point of the property parcel upon which the proposed use is to be located, to the nearest point of the parcel of property or land use district boundary line from which the proposed land use is to be separated.

c. No adult entertainment establishment shall be allowed to locate within 1,000 feet of an existing adult entertainment establishment. The distance specified in this section shall be measured by following a straight line between the nearest points of public entry into each establishment.

2. Automobile, recreational vehicles or travel trailer sales rooms and travel trailer or used car sales lots. No dismantling of cars or travel trailers or sale of used parts allowed.

3. Automotive services:

a. gas, outside pumps allowed

b. washing

c. body and engine repair shops (enclosed within a building)

4. Beauty or barber shops.

5. Bicycle repair shops.

6. Billiard or pool rooms.

7. Brew pubs.

8. Bus stations.

9. Cabinet shops or carpenter shops employing less than five people.

10. Commercial laundries.

11. Commercial parking subject to TMC Chapter 18.56, Off-Street Parking and Loading Regulations.

12. Computer software development and similar uses.

13. Contractor storage yards.

14. Convention facilities.

15. Daycare centers.

16. Extended-stay hotel/motel.

17. Financial:

a. banking

b. mortgage

c. other services

18. Fix-it, radio or television repair shops/rental shops.

19. Fraternal organizations.

20. Frozen food lockers for individual or family use.

21. Greenhouses or nurseries (commercial).

- 22. Heavy equipment repair and salvage.
- 23. Hotels.
- 24. Industries involved with etching, film processing, lithography, printing, and publishing.
- 25. Internet data/telecommunication centers.
- 26. Laundries:
 - a. self-serve
 - b. dry-cleaning
 - c. tailor, dyeing
- 27. Libraries, museums or art galleries (public).
- 28. Manufacturing and industrial uses that have little potential for creating off-site noise, smoke, dust, vibration or other external environmental impacts or pollution, including but not limited to, manufacturing, processing, repairing, packaging and/or assembly of:
 - a. Previously prepared metals, including, but not limited to, stamping, dyeing, shearing or punching of metal, engraving, galvanizing and hand-forging;
 - b. Food, including, but not limited to, baked goods, beverages (including fermenting and distilling), candy, canned or preserved foods, dairy products and byproducts, frozen foods, instant foods and meats (provided that no slaughtering is permitted);
 - c. Pharmaceuticals and related products, such as cosmetics and drugs;
 - d. Previously prepared materials including, but not limited to, bags, brooms, brushes, canvas, clothing, fur, furniture, glass, ink, paint, paper, plastics, rubber, tile and wood;
 - e. Electronic, mechanical or precision instruments such as medical and dental equipment, photographic goods, measurement and control devices, and recording equipment.
- 29. Manufacturing and industrial uses that have moderate to substantial potential for creating off-site noise, smoke, dust, vibration and other external environmental impacts including but not limited to, manufacturing, processing, assembling, packaging and/or repairing of:
 - a. Chemicals, light metals, plastics, solvents, soaps, wood, coal, glass, enamels, textiles, fabrics, plaster, agricultural products or animal products (no rendering or slaughtering);
 - b. Electrical or mechanical equipment, vehicles and machines, including, but not limited to, heavy and light machinery, tools, airplanes, boats or other transportation vehicles and equipment;
 - c. Previously manufactured metals, such as iron and steel fabrication; steel production by electric arc melting, argon oxygen refining, and consumable electrode melting; and similar heavy industrial uses.
- 30. Marijuana processor
- 31. Marijuana producer
- 32. Marijuana retailer
- ~~30~~33. Medical and dental laboratories.
- ~~34~~34. Mortician and funeral homes.
- ~~32~~35. Motels.

- [3336](#). Offices, including:
 - a. outpatient medical clinic
 - b. dental
 - c. government - excluding fire and police stations
 - d. professional
 - e. administrative
 - f. business, such as travel, real estate
 - g. commercial
- [3437](#). Parks, trails, picnic areas and playgrounds (public), but not including amusement parks, golf courses or commercial recreation.
- [3538](#). Pawnbrokers.
- [3639](#). Planned shopping center (mall).
- [3740](#). Plumbing shops (no tin work or outside storage).
- [3841](#). Railroad tracks (including lead, spur, loading or storage).
- [3942](#). Recreation facilities (commercial - indoor), athletic or health clubs.
- [4043](#). Religious facility with an assembly area less than 750 square feet.
- [4144](#). Rental of vehicles not requiring a commercial driver's license (including automobiles, sport utility vehicles, mini-vans, recreational vehicles, cargo vans and certain trucks).
- [4245](#). Rental of commercial trucks and fleet rentals requiring a commercial driver's license.
- [4346](#). Restaurants, including:
 - a. drive-through
 - b. sit down
 - c. cocktail lounges in conjunction with a restaurant.
- [4447](#). Retail sales of health and beauty aids, prescription drugs, food, hardware, notions, crafts and craft supplies, housewares, consumer electronics, photo equipment, and film processing, books, magazines, stationery, clothing, shoes, flowers, plants, pets, jewelry, gifts, recreation equipment and sporting goods, and similar items.
- [4548](#). Retail sales of furniture, appliances, automobile parts and accessories, liquor, lumber/building materials, lawn and garden supplies, farm supplies.
- [4649](#). Rock crushing, asphalt or concrete batching or mixing, stone cutting, brick manufacture, marble work, and the assembly of products from the above materials.
- [4750](#). Sales and rental of heavy machinery and equipment subject to landscaping requirements of the Landscape, Recreation, Recycling/Solid Waste Space Requirements chapter of this title.
- [4851](#). Salvage and wrecking operations.
- [4952](#). Schools and studios for education or self-improvement.
- [5053](#). Self-storage facilities.
- [5154](#). Storage (outdoor) of materials is permitted up to a height of 20 feet with a front yard setback of 25 feet, and to a height of 50 feet with a front yard setback of 100 feet; security required.
- [5255](#). Storage (outdoor) of materials allowed to be manufactured or handled within facilities conforming to uses under this chapter; and screened pursuant to the

Landscape, Recreation, Recycling/Solid Waste Space Requirements chapter of this title.

~~53~~56. Taverns, nightclubs.

~~54~~57. Telephone exchanges.

~~55~~58. Theaters, excluding adult entertainment establishments, as defined by this code.

~~56~~59. Tow truck operations, subject to all additional State and local regulations.

~~57~~60. Truck terminals.

~~58~~61. Warehouse storage and/or wholesale distribution facilities.

~~59~~62. Other uses not specifically listed in this title, which the Director determines to be:

a. similar in nature to and compatible with other uses permitted outright within this district; and

b. consistent with the stated purpose of this district; and

c. consistent with the policies of the Tukwila Comprehensive Plan.

Section 9. TMC Section 18.40.020 Amended. Ordinance Nos. 2368 §41, 2287 §30, 2251 §54, 2235 §8, 2097 §17, 2021 §10, 1986 §15, 1974 §11, 1971 §17, 1830 §25, 1814 §2, 1774 §5, and 1758 §1 (part), as codified at TMC Section 18.40.020, (Tukwila Valley South) "Permitted Uses," are hereby amended to read as follows:

18.40.020 Permitted Uses

The following uses are permitted outright within the Tukwila Valley South District, subject to compliance with all other applicable requirements of the Tukwila Municipal Code:

1. Adult entertainment establishments are permitted, subject to the following location restrictions:

a. No adult entertainment establishment shall be allowed within the following distances from the following specified uses, areas or zones, whether such uses, areas or zones are located within or outside the City limits:

(1) In or within 1,000 feet of any LDR, MDR, HDR, MUO, O, NCC, RC, RCM or TUC zone districts or any other residentially zoned property;

(2) In or within 1/2 mile of:

(a) Public or private school with curricula equivalent to elementary, junior or senior high schools, or any facility owned or operated by such schools; and

(b) Care centers, preschools, nursery schools or other child care facilities;

(3) In or within 1,000 feet of:

(a) public park, trail or public recreational facility; or

(b) church, temple, synagogue or chapel, or

(c) public library.

b. The distances specified in TMC Section 18.40.020.1.a. shall be measured by following a straight line from the nearest point of the property parcel upon

which the proposed use is to be located, to the nearest point of the parcel of property or land use district boundary line from which the proposed land use is to be separated.

c. No adult entertainment establishment shall be allowed to locate within 1,000 feet of an existing adult entertainment establishment. The distance specified in this section shall be measured by following a straight line between the nearest points of public entry into each establishment.

2. Animal veterinary, including associated temporary indoor boarding; access to an arterial required.

3. Automobile, recreational vehicles or travel trailer sales rooms and travel trailer or used car sales lots. No dismantling of cars or travel trailers or sale of used parts allowed.

4. Automotive services:

a. gas, outside pumps allowed

b. washing

c. body and engine repair shops (enclosed within a building)

5. Beauty or barber shops.

6. Bicycle repair shops.

7. Billiard or pool rooms.

8. Brew pubs.

9. Bus stations.

10. Cabinet shops or carpenter shops employing less than five people.

11. Commercial laundries.

12. Commercial parking, subject to TMC Chapter 18.56, Off-Street Parking and Loading Regulations.

13. Computer software development and similar uses.

14. Contractor's storage yards.

15. Convalescent and nursing homes for not more than 12 patients.

16. Convention facilities.

17. Daycare centers.

18. Dwelling - one detached single-family unit per existing lot (includes factory built or modular home that meets UBC).

19. Extended-stay hotel/motel.

20. Farming and farm-related activities.

21. Financial:

a. banking

b. mortgage

c. other services

22. Fix-it, radio or television repair shops/rental shops.

23. Fraternal organizations.

24. Frozen food lockers for individual or family use.

25. Greenhouses or nurseries (commercial).

26. Heavy equipment repair and salvage.

27. Hotels.

28. Industries involved with etching, film processing, lithography, printing and publishing.

29. Internet data/telecommunication centers.

30. Laundries:

- a. self-serve
- b. dry-cleaning
- c. tailor, dyeing

31. Libraries, museums or art galleries (public).

32. Manufacturing and industrial uses that have little potential for creating off-site noise, smoke, dust, vibration or other external environmental impacts of pollution, including but not limited to, manufacturing, processing, assembling, packaging and/or repairing of:

- a. Food, including, but not limited to, baked goods, beverages (including fermenting and distilling), candy, canned or preserved foods, dairy products and byproducts, frozen foods, instant foods and meats (provided that no slaughtering is permitted);
- b. Pharmaceuticals and related products, such as cosmetics and drugs;
- c. Previously prepared materials including, but not limited to, bags, brooms, brushes, canvas, clay, clothing, fur, furniture, glass, ink, paint, paper, plastics, rubber, tile and wood;
- d. Electronic, mechanical or precision instruments such as medical and dental equipment, photographic goods, measurement and control devices and recording equipment.

33. Marijuana processor

34. Marijuana producer

35. Marijuana retailer

3336. Medical and dental laboratories.

3437. Mortician and funeral homes.

3538. Motels.

3639. Offices, including:

- a. outpatient medical clinic
- b. dental
- c. government - excluding fire and police stations
- d. professional
- e. administrative
- f. business, such as travel, real estate
- g. commercial

3740. Pawnbrokers.

3841. Planned shopping center (mall).

3942. Plumbing shops (no tin work or outside storage).

4043. Parks, trails, picnic areas and playgrounds (public), but not including amusement parks, golf courses or commercial recreation.

4144. Railroad tracks (including lead, spur, loading or storage).

4245. Recreation facilities (commercial - indoor), athletic or health clubs.

4346. Recreation facilities (commercial - indoor), including bowling alleys, skating rinks, shooting ranges.

4447. Religious facility with an assembly area of less than 750 square feet.

- 4548. Rental of vehicles not requiring a commercial driver's license (including automobiles, sport utility vehicles, mini-vans, recreational vehicles, cargo vans and certain trucks).
- 4649. Rental of commercial trucks and fleet rentals requiring a commercial driver's license.
- 4750. Research and development facilities.
- 4851. Restaurants, including:
 - a. drive-through;
 - b. sit down;
 - c. cocktail lounges in conjunction with a restaurant.
- 4952. Retail sales of health and beauty aids, prescription drugs, food, hardware, notions, crafts and craft supplies, housewares, consumer electronics, photo equipment and film processing, books, magazines, stationery, clothing, shoes, flowers, plants, pets, jewelry, gifts, recreation equipment and sporting goods, and similar items.
- 5053. Retail sales of furniture, appliances, automobile parts and accessories, liquor, lumber/building materials, lawn and garden supplies, farm supplies.
- 5454. Sales and rental of heavy machinery and equipment subject to landscaping requirements of the Landscape, Recreation, Recycling/Solid Waste Space Requirements chapter of this title.
- 5255. Salvage and wrecking operations that are entirely enclosed within a building.
- 5356. Schools and studios for education or self-improvement.
- 5457. Self-storage facilities.
- 5558. Storage (outdoor) of materials allowed to be manufactured or handled within facilities conforming to uses under this chapter; and screened pursuant to the Landscape, Recreation, Recycling/Solid Waste Space Requirements chapter of this title.
- 5659. Studios - art, photography, music, voice and dance.
- 5760. Taverns, nightclubs.
- 5861. Telephone exchanges.
- 5962. Theaters, excluding adult entertainment establishments, as defined by this code.
- 6063. Tow truck operations, subject to all additional State and local regulations.
- 6164. Truck terminals.
- 6265. Warehouse storage and/or wholesale distribution facilities.
- 6366. Other uses not specifically listed in this title, which the Director determines to be:
 - a. similar in nature to and compatible with other uses permitted outright within this district;
 - b. consistent with the stated purpose of this district; and
 - c. consistent with the policies of the Tukwila Comprehensive Plan.

Section 10. TMC Section 18.50.210 Adopted. TMC Section 18.50.210, "Marijuana Related Uses," is hereby established to read as follows:

A. 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 Tukwila 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 Tukwila and then only pursuant to a license issued by the State of Washington. The purposes of these provisions is solely to acknowledge the enactment by Washington voters of Initiative 502 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.

B. The production, processing, selling, or delivery of marijuana, marijuana-infused products, or useable marijuana may not be conducted in association with any business establishment, dwelling unit, or home occupation located in any of the following areas:

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Mixed Use Office
- Office
- Residential Commercial Center
- Neighborhood Commercial Center
- Regional Commercial
- Regional Commercial Mixed Use
- Tukwila Urban Center
- Commercial/Light Industrial
- Light Industrial
- Manufacturing Industrial Center/Light
- Manufacturing Industrial Center/Heavy

C. Any violation of this section is declared to be a public nuisance per se, and, in addition to any other remedy provided by law or equity, may be abated by the City Attorney under the applicable provisions of this code or state law.

Section 11. No Non-conforming Uses. No use that constitutes or purports to be a marijuana producer, marijuana processor, or marijuana retailer, as those terms are defined in this ordinance, that was engaged in that activity prior to the enactment of this ordinance shall be deemed to have been a legally established use under the provisions of the Tukwila Municipal Code and that use shall not be entitled to claim legal non-conforming status.

Section 12. Adoption of Findings of Fact. The City Council adopts as its preliminary findings the recitals set forth above. The City Council may adopt additional findings in the event that additional evidence is presented to the City Council.

Section 13. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary

corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 14. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

Section 15. Effective Date. This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five days after passage and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this _____ day of _____, 2013.

ATTEST/AUTHENTICATED:

Christy O'Flaherty, MMC, City Clerk

Jim Haggerton, Mayor

APPROVED AS TO FORM BY:

Shelley M. Kerlake, City Attorney

Filed with the City Clerk: _____
Passed by the City Council: _____
Published: _____
Effective Date: _____
Ordinance Number: _____