

**CITY OF NORTH BONNEVILLE  
ORDINANCE NUMBER 1134**

**AN ORDINANCE OF THE CITY OF NORTH BONNEVILLE, WASHINGTON, AMENDING  
NORTH BONNEVILLE MUNICIPAL CODE CHAPTER 5.05 MEDICAL CANNABIS  
COLLECTIVE GARDEN SAFETY LICENSE.**

**WHEREAS**, the 2017 State Legislature passed Engrossed House Bill (EHB) 2005, now codified as Chapter 35.90 RCW, requiring Washington Cities and Towns with business licenses to create a model business license ordinance with a minimum threshold and a definition of “engaging in business”; and

**WHEREAS**, the City passed Ordinance 1108 that amended Chapter 5.04 relating to business licenses and regulations to conform to the new state requirements; and

**WHEREAS**, after input from the State of Washington and review by the City staff regarding the business licensing process and procedures set forth in North Bonneville Municipal Code and Chapter 5.05 relating to license requirements it was determined that updating was needed; and

**NOW, THEREFORE**, The City Council of the City of North Bonneville do hereby ordain as follows:

**SECTION 1.**

Legend:     New language added = underlined  
              Old language deleted = ~~strikethrough~~

**Amending  
CHAPTER 5.05 Medical Cannabis Collective Garden Safety License as follows:**

**Chapter 5.05**

**MEDICAL CANNABIS COLLECTIVE GARDEN SAFETY LICENSE**

**Sections:**

- |                 |                           |
|-----------------|---------------------------|
| <b>5.05.010</b> | <b>Purpose</b>            |
| <b>5.05.020</b> | <b>License required</b>   |
| <b>5.05.030</b> | <b>Procedure</b>          |
| <b>5.05.040</b> | <b>Renewal</b>            |
| <b>5.05.050</b> | <b>Appeal and hearing</b> |

**5.05.010     Purpose**

The medical cannabis collective garden safety license is to ensure the garden is operated in a manner that protects the public’s safety, health and general welfare and located in a structure that can safely accommodate the use and that has adequate mechanical systems and utilities for use. Issuance of the license shall not be construed to authorize, permit or approve any violation of federal or state law.

#### **5.05.020 License required**

A. A Collective Garden Safety License shall be obtained prior to operation of any medical cannabis collective garden.

B. The license must be on display on the premises at all times.

C. The license required by this chapter is separate from, and in addition to the general business license issued under Chapter 5.04 NBMC, which may also be required when applicable.

#### **5.05.030 Procedure**

A. Collective Garden Safety License applications shall be submitted to the city accompanied by the license fee established by City Council resolution. The applicant must also pay to the city all reasonable expenses associated with the review of an application, including legal and consulting fees. Such costs shall be paid to the city prior to the approval of an application.

B. Issuance of the license shall occur only after an inspection of the site by representatives of the City of North Bonneville Planning, Building and Fire Departments and verification that all of the requirements of chapter 20.24 NBMC have been complied with.

C. If more than one site inspection is required to obtain approval, an additional inspection fee, as established by City Council resolution, shall be charged and paid before a license can be issued.

D. If all requirements for approval are satisfied, the license shall be issued by the city prior to start of operations.

#### **5.05.035 Compliance**

The city reserves the right to inspect the premises to insure compliance with all applicable laws, codes and regulations. In the event a violation of Title 69 of the Revised Code of Washington is observed, the inspecting authority shall notify the law enforcement provider for the city.

In addition to possible penalties under chapter 5.05.060, violating or failing to comply with any of the provisions of this chapter or chapter 20.24 NBMC shall cause the Collective Garden Safety License to be revoked.

#### **5.05.040 Renewal**

The Collective Garden Safety License shall be renewed annually. License renewal applications shall be processed as follows:

A. The license renewal fee, as established by City Council resolution, shall be submitted with the license renewal application to the city.

B. License renewal applications shall only be approved following a site inspection and verification that all City requirements for a medical cannabis collective garden have been met.

C. If more than one site inspection is required to obtain approval, an additional inspection fee, as established by City Council resolution, shall be charged and paid before a license can be approved and issued.

#### **5.05.050 Appeal and hearing**

Any person aggrieved by the action of the city in denying, refusing to renew, or revoking any license under this chapter shall have the right to appeal such action following the procedure set forth in NBMC 5.04.070.

#### **5.05.060 Violation - penalty**

Any person violating or failing to comply with any of the provisions of this chapter, upon conviction thereof, shall be punishable by a fine in accordance with Section 7.01.020(F) of this code.

## **SECTION 2.**

### **Severability.**

If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional 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 3.**

### **Effective Date and Publication.**

This ordinance shall become effective five days after its passage by the City Council, approval by the Mayor, and publication as provided by law.

**PASSED BY THE CITY COUNCIL ON JANUARY 26, 2021.**

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Brian Sabo, Mayor

Attest:

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Deanna Adams, City Clerk/Treasurer

Approved as to Form:

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Kenneth B. Woodrich, City Attorney