

CHAPTER 6A.25

MEDICAL MARIJUANA REGULATIONS

SECTIONS:

6A.25.010	Purpose
6A.25.020	Applicability
6A.25.030	Definitions
6A.25.040	Prohibitions
6A.25.050	Enforcement
6A.25.060	Hearing Process
6A.25.070	Violations - Monetary Penalties
6A.25.080	Abatement
6A.25.090	Severability
6A.25.100	Effective Date

6A.25.010 PURPOSE. The storage and growing of marijuana for medical use has contributed to an increasing number of citizen complaints and concerns of obnoxious odors, noise, bright lighting, health issues and risk of crime associated with such activities. While marijuana growing cooperatives for medical marijuana may at some point be prohibited by amendments Title 11 of the Benton County Code, it is possible that storage and grows for personal medical use and some cooperative operations predating such amendments may continue to exist as nonconforming uses. In order to promote and preserve the public health, safety and welfare, this chapter is adopted pursuant to RCW 69.51A.260 to control the manner in which such any such medical marijuana is stored and grown in order to promote the use, value, and enjoyment of neighboring property and promote the quality of the environment. Nothing in this chapter is meant to affect or in any way apply to marijuana production, processing or retailing by persons licensed to do so by the Washington State Liquor and Cannabis Control Board under chapter 69.50, RCW.
[Ord. 603 (2018) §1]

6A.25.020 APPLICABILITY. This chapter shall be applicable to all portions of unincorporated Benton County.
[Ord. 603 (2018) §2]

6A.25.030 DEFINITIONS. For the purposes of this chapter, the following words and phrases shall have the meanings set forth below unless the context clearly indicates otherwise:

(a) "Housing unit" means a house, an apartment, a mobile home, a group of rooms, or a single room that is occupied as separate living quarters, in which the occupants live and eat separately from any other persons in the building, and which have direct access from the outside of the building or through a common hall.

(b) "Marijuana" has the meaning provided in RCW 69.50.101.

(c) "Person" refers to any natural person, corporation, partnership, firm association, or other organization, any receiver, trustee, assignee, agent or other legal representative of any of the foregoing.

(d) "Public place" has the meaning provided in RCW 70.160.020.
[Ord. 603 (2018) §3]

6A.25.040 PROHIBITIONS. It shall be unlawful for any person to store or grow marijuana for medical use pursuant to chapter 69.51A, RCW if:

(a) the stored or growing marijuana can be readily seen by normal unaided vision from a public place;

(b) the stored or growing marijuana can be readily smelled from a public place;

(c) the stored or growing marijuana can be readily seen by the normal unaided vision from private property on which a housing unit is located; or

(d) the stored or growing marijuana can be readily smelled from private property on which a housing unit is located.
[Ord. 603 (2018) §4]

6A.25.050 ENFORCEMENT. The Benton County Sheriff and other law enforcement officers are authorized and directed to enforce provisions of this chapter, and upon their observance of a violation or reports from witnesses to the occurrence of violations

are further authorized to issue a civil infraction notice to any person that so violates the provisions of this chapter.

[Ord. 603 (2018) §5]

6A.25.060 HEARING PROCESS. The issuance of notices of infractions, initiation of infraction cases under this chapter, the process for hearing such cases and the appeal processes shall be as set forth in the Infraction Rules for Courts of Limited Jurisdiction adopted by the Washington Supreme Court, and such rules as currently in existence or hereafter amended are incorporated herein by reference.

[Ord. 603 (2018) §6]

6A.25.070 VIOLATIONS - MONETARY PENALTIES. (a) Upon a finding by a court of competent jurisdiction of a first violation of this chapter, the person committing the violation may be punished by a civil penalty not to exceed five hundred dollars (\$500) for said violation and shall be responsible for court costs, if applicable.

(b) It is a separate violation of this chapter each and every day during which any portion of which any violation of the provisions of this chapter is committed or continues.

(c) If a court has previously found a person in violation of this chapter, subsequent violations may be punished by a civil penalty not to exceed one thousand dollars (\$1000) for said subsequent violation and shall be liable for court costs, if applicable.

(d) If a court has previously found a person in violation more than once before, subsequent violations may be punished by a civil penalty not to exceed one thousand five hundred dollars (\$1500) for all subsequent violations and shall be liable for court costs, if applicable.

[Ord. 603 (2018) §7]

6A.25.080 ABATEMENT. (a) Upon proper application and after a judicial finding that a person has committed an infraction under this chapter, the superior court may, in addition to a civil penalty, order that the continuing violation be abated and removed at the expense of the defendant pursuant to a warrant for abatement.

(b) The application for a warrant of abatement may be made directly to superior court or, if the finding of the commitment of an infraction was made by a district court, application may be made to transfer the cause to the superior court to try the issue of abatement in the same manner as if the action had been originally commenced therein.

(c) The expense of abating a violation of this chapter, by virtue of a warrant, can be collected by the officer or agency ordered to do the abatement in the same manner as damages and costs are collected on execution.
[Ord. 603 (2018) §8]

6A.25.090 SEVERABILITY. If any provision of this chapter is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the chapter and the applicability thereof to other persons and circumstances shall not be affected thereby.
[Ord. 603 (2018) §9]

6A.25.100 EFFECTIVE DATE. This chapter shall take effect and be in full force upon its passage and adoption.
[Ord. 603 (2018) §10]