

**CITY OF WASHINGTON TERRACE
ORDINANCE 2019-11**

CANNABIS REGULATIONS

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH,
ADOPTING CHAPTER 5.16 AND CHAPTER 17.84 OF THE MUNICIPAL CODE
TO ESTABLISH REGULATIONS GOVERNING CANNABIS PRODUCTION
ESTABLISHMENTS AND MEDICAL CANNABIS PHARMACIES AS
REQUIRED BY STATE LAW; MAKING TECHNICAL CHANGES;
SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Washington Terrace (hereafter the “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, in 2018, the voters of Utah approved Proposition 2 authorizing medical cannabis;

WHEREAS, Utah State Legislature met in special session on Monday, September 16, 2019, and modified Proposition 2 with the adoption of S.B. 1002, and such modification impacts municipalities;

WHEREAS, *Utah Code Annotated* §10-8-84 and §10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, the City finds it necessary to update the municipal code in order to meet the challenges presented by state law, and to protect public health, safety, and welfare;

WHEREAS, after publication of the required notice the Planning Commission held its public hearing on December 14, 2019, to take public comment on the proposed Ordinance, after which the Planning Commission gave its recommendation to approve this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on November 19, 2019;

NOW, THEREFORE, be it ordained by the City Council as follows:

Section 1: **Repealer.** Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: **Amendment.** Chapter 5.16 and Chapter 17.84 of the *Washington Terrace Code* is hereby adopted to read as follows:

**Chapter 5.16
Cannabis Regulations**

5.16.010 Business License Requirements.

Any cannabis production establishment shall comply with Utah Code §4-41a-101, et seq., as amended, (Cannabis Production Establishments); and any medical cannabis pharmacy shall comply with Utah Code §26-61a-101, et seq., as amended, (Utah Medical Cannabis Act) prior to obtaining a business license.

Chapter 17.84 Cannabis Regulations

17.84.010 Definitions.

In addition to the definitions set forth in Utah Code §4-41a-102 (Cannabis Production Establishments), and Utah Code §26-61a-102 (Utah Medical Cannabis Act), the following definitions apply:

1. “Cannabis Production Establishment” means an establishment defined in Utah Code §4-41a-102, and includes a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory.
2. “Medical Cannabis Pharmacy” means an entity that acquires or intends to acquire, possesses, and sells or intends to sell cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, to a medical cannabis cardholder, as defined under Utah Code §26-61a-102.
3. “Primarily Residential Zone” means, for the purposes of this Chapter, and any applicable state law means the following zoning districts:
 - a. Residential Zone R-1-10.
 - b. Residential Zone R-1-8.
 - c. Residential Zone R-1-6.

17.84.020 Standards.

1. Cannabis Production Establishment. The following standards apply:
 - a. No emission of dust, fumes, vapors, odors, or waste into the environment from any facility involving the growing, processing, or testing of cannabis.
 - b. Each Cannabis Production Establishments shall:
 - i. Not be located in a Primary Residential Zone.
 - ii. Meet the municipal code regulations, site development standards, and sign requirements for any main building and accessory building.
 - iii. Obtain and comply with all state requirements in accordance with Utah Code §4-41a-101, et seq.
 - iv. Comply with location requirements set forth in Utah Code §4-41a-201.
 - v. Obtain and comply with business license regulations.
2. Medical Cannabis Pharmacy. The following standards apply:
 - a. Not be located in a Primary Residential Zone.
 - b. No cannabis products shall be visible from outside of any structure.
 - c. Meet the municipal code regulations, site development standards, and sign requirements for commercial development.
 - d. Obtain and comply with all state requirements in accordance with Utah Code §26-61a-101, et seq.
 - e. Comply with location requirements set forth in Utah Code §26-61a-301.2.c.i,ii:

(c) (i) A person may not locate a medical cannabis pharmacy:

(A) within 200 feet of a community location; or

(B) in or within 600 feet of a district that the relevant municipality or county has zoned as primarily residential.

(ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured from the nearest entrance to the medical cannabis pharmacy establishment by following the shortest route of ordinary pedestrian travel to the property boundary of the community location or residential area.

f.

g. Obtain and comply with business license regulations.

17.84.030 Permitted Uses.

The following uses are permitted in the following Zones:

Use	Zone
Cannabis Production Establishment	The City does not permit any Agriculture or Industrial Zone (None Permitted)
Medical Cannabis Pharmacy	C-1, C-2

Section 3: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

Section 4: Effective date. This Ordinance takes effect immediately upon mayoral approval and posting.

PASSED AND ADOPTED by the City Council on this ____ day of _____, 2019.

Mayor

ATTEST:

City Recorder

RECORDED this ____ day of _____, 2019.

PUBLISHED OR POSTED this ____ day of _____, 2019.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I, the City Recorder of the City of Washington Terrace, Utah, hereby certify that the foregoing Ordinance was duly passed and published or posted at: 1) City Hall, 2) _____, and 3) _____ on the above referenced dates.

City Recorder DATE: _____