

## Exhibit B

### Chapter 5.35 MARIJUANA/CANNABIS USES

#### Sections:

- ~~5.35.010~~ ~~Definitions.~~
- 5.35.0210 State-licensed marijuana businesses.
- 5.35.0320 Cannabis dispensaries.
- 5.35.0430 Severability.

#### 5.35.010 Definitions.

~~“Cannabis,” also known as 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.~~

~~“Cannabis dispensary” means any cannabis (marijuana) use that is not licensed by the State, which operates in a manner analogous to a retail store by having qualifying patient customers who wish to purchase cannabis (marijuana) for money execute paperwork to join an RCW 69.51A “collective garden” make their purchase for money, and, after completion of the purchase, execute paperwork to resign from the collective.~~

~~“Marijuana,” also known as cannabis, 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.~~

~~“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 usable marijuana.~~

~~“Marijuana processor” means a person licensed by the State Liquor Control Board to process marijuana into usable marijuana and marijuana infused products, package and label usable marijuana and marijuana infused products for sale in retail outlets, and sell usable marijuana and marijuana infused products at wholesale to marijuana retailers.~~

~~“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.~~

~~“Marijuana retailer” means a person licensed by the State Liquor Control Board to sell usable marijuana and marijuana infused products in a retail outlet.~~

~~“Retail outlet” means a location licensed by the State Liquor Control Board for the retail sale of usable marijuana and marijuana infused products.~~

~~“THC concentration” means the percent of delta-9 tetrahydrocannabinol content per dry weight of any part of the plant cannabis, or per volume or weight of marijuana product, or the combined percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant cannabis regardless of moisture content.~~

~~“Usable marijuana” means dried marijuana flowers. The term “usable marijuana” does not include marijuana-infused products.~~

(Ord. 637 § 3 (Exh. B), 2014).

**5.35.0210 State-licensed marijuana businesses.**

The following provisions apply to marijuana businesses licensed by Washington State:

A. State-licensed marijuana businesses shall be subject to all standards and other requirements of the University Place development regulations.

B. As a condition of licensure, all applicants for a University Place marijuana-related business license shall execute in a form prescribed by the City an acknowledgement that they are aware that marijuana remains a controlled substance under Federal law, and that they are subject to criminal prosecution and forfeiture of their business and personal assets under Federal law; that they indemnify, defend, hold harmless and release the City and its officers and employees from any and all claims arising in any manner from Federal enforcement against them or their business.

~~C. State-licensed marijuana businesses shall not be permitted within 1,000 feet of the perimeter grounds of the following entities:~~

- ~~1. Elementary or secondary schools;~~
- ~~2. Playground;~~
- ~~3. Recreation center or facility;~~
- ~~4. Child-care center;~~
- ~~5. Public park;~~
- ~~6. Public transit center;~~
- ~~7. Library;~~
- ~~8. Game arcade (where admission is not restricted to persons age 21 or older).~~

~~University Place shall rely upon the definitions set forth in the Washington Administrative Code when identifying the entities listed above.~~

~~DC.~~ All applications by State-licensed marijuana businesses for conditional use permits in University Place shall include written Federal certification of compliance by the applicant with all requirements of Federal law.

~~ED.~~ Compliance with Federal Law. No application for a State-licensed marijuana business shall be accepted by University Place until such time as the Federal law is amended to allow marijuana production, processing, and retail sale for recreational use in the State of Washington.

~~EF.~~ Marijuana-Licensed Retail Outlets.

1. State-licensed marijuana retail outlets shall only be permitted through a conditional use permit in a mixed use district (MUD).
2. Subject to any more specific conditions in the CUP, a City-permitted, State-licensed marijuana retail outlet may sell usable marijuana, marijuana-infused products, and marijuana paraphernalia between the hours of 8:00 a.m. and 9:00 p.m.
3. Subject to any more specific conditions in the CUP, a City-permitted, State-licensed marijuana retail outlet may only sell usable marijuana, marijuana-infused products, and marijuana paraphernalia in a detached building containing no additional business activities.

G. State-Licensed Marijuana Processors. State-licensed marijuana processors shall be permitted through a conditional use permit in a light-industrial-business park zone.

H. State-Licensed Marijuana Producers.

1. State-licensed marijuana indoor producers shall be permitted through a conditional use permit in a light-industrial-business park zone.

2. Marijuana outdoor producers are prohibited.

3. Subject to any more specific conditions in the CUP, a City-permitted, State-licensed marijuana production shall take place within a fully enclosed secure indoor facility or greenhouse.

4. Subject to any more specific conditions in the CUP, a City-permitted, State-licensed marijuana indoor production facility shall be limited to 10,000 square feet of production space.

I. Nuisance Abatement. In addition to any other available remedy or penalty, any violation of this section, or any continued business operation after any State or Federal directive to cease operations is declared to be a public nuisance per se, and may be abated under the applicable provisions of this code or State law.

(Ord. 637 § 3 (Exh. B), 2014).

**5.35.0320 Cannabis dispensaries.**

---

Cannabis dispensaries as defined in this chapter are prohibited in University Place, and are declared to be a public nuisance per se.

(Ord. 637 § 3 (Exh. B), 2014).

**5.35.0430 Severability.**

---

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances shall not be affected.

(Ord. 637 § 3 (Exh. B), 2014).