

Ian Moody (admin@sdpdirect.org) - Tue, 03-06-2012 09:07:36 AM

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**From:** "Ian Moody" <admin@sdpdirect.org>  
**To:** <TPfister@SpokaneCity.org>  
**Subject:** Marijuana Initiative 2012  
**Date:** Fri 03-02-2012 09:07 PM

Ms. Pfister,

I've reviewed the SMC pertaining to citizen's initiatives and was able to answer my own question. As such, I would like to submit an initiative regarding marijuana regulations (see attached).

We would like to forgo the optional filing method and file directly, so that we may begin collecting signatures immediately.

Thank you for your assistance. I look forward to your reply.

Regards,

Ian Moody  
Chairperson

Sensible Spokane Alliance  
www.sensiblespokane.org  
ianm@sdpdirect.org  
(509)251-1715

**Attachment: [Save View](#)**

Name: Marijuana Initiative 2012.odt  
Type: application/vnd.oasis.opendocument.text

Ian Moody (admin@sdpdirect.org) - Tue, 03-06-2012 11:42:12 AM

**WARNING**

Under Washington State law every person who signs an initiative or referendum petition with any other than his or her true name, knowingly signs more than once, or signs when he or she is not a legal voter; or signs a petition when he or she is otherwise not qualified to sign, or who makes any false statement on such petition may be guilty of a misdemeanor.

**Initiative Petition to the Spokane City Council**

**INITIATIVE NO. 2012 - 0001**

We, the undersigned citizens and legal voters of the City of Spokane, Washington, respectfully direct that this proposed ordinance, known as Initiative No. 2012 - 0001, a full, true, and correct copy of which is printed herein, be passed without alterations by the Spokane City Council, or be submitted to the electors of the City of Spokane for their approval or rejections at the next available special or general municipal election. If submitted to election, the proposed ordinance shall appear as the following proposition.

**PROPOSITION NO. \_\_\_\_**

**CITY OF SPOKANE**

**An Ordinance Regarding Marijuana Regulations**

This initiative will enact an ordinance regarding marijuana regulations to include adopting regulations pertaining to the licensing and regulation of marijuana, establishing a lowest law enforcement priority policy for adult marijuana offenses, establishing a community oversight committee, and providing notification to federal and state officials of the citizens' initiative to regulate marijuana and to de-prioritize adult marijuana offenses.

Should this measure be enacted into law?

Yes .....   
No .....

Each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the City of Spokane; my residence address is correctly stated; and I have knowingly signed this petition only once.

(The full text of the proposed ordinance is printed on reverse side of this page and continuing on the pages following)

**RECEIVED**

**MAR 06 2012**

**CITY CLERK'S OFFICE  
SPOKANE, WA**



## Summary of Measure

### THE LAW AS IT CURRENTLY EXISTS:

The City of Spokane does not have regulations regarding the licensing and regulation of marijuana and has not designated a level of enforcement for adult marijuana offenses. The City charges adult marijuana offenses pursuant to the state Uniform Controlled Substances Act, Chapter 69.50 RCW, and the Medical Use of Marijuana Act, Chapter 69.51A RCW, and the City's ordinance prohibiting possession of marijuana, Chapter 10.15 SMC.

### THE EFFECT OF THE PROPOSAL, IF APPROVED:

This ordinance provides for the adoption of regulations regarding the licensing and regulation of marijuana, establishes a lowest law enforcement priority policy for adult marijuana offenses, establishes a community oversight committee and provides notification to federal and state officials of the citizens' initiative to regulate marijuana and to de-prioritize adult marijuana offenses.

## ORDINANCE NO. C - \_\_\_\_\_

### MARIJUANA REGULATIONS

*An ordinance regarding marijuana regulations, adopting a new Chapter 10.15B to title 10 of the Spokane Municipal Code.*

WHEREAS, many Spokane adults use marijuana for medicinal, therapeutic, and recreational purposes and the use of marijuana is prevalent and gaining wider acceptance within local culture;

WHEREAS, marijuana markets are controlled and exploited by criminal enterprise and the state's medical marijuana laws exclude the majority of adult users from safe and reliable access;

WHEREAS, marijuana is safer than alcohol, tobacco, and many over the counter medicines and, therefore, should be made legally available to adults and controlled in a similar manner;

WHEREAS, in 2003, the voters of Seattle adopted Initiative 75 relating to making enforcement of marijuana-related offenses the lowest priority for their police department and prosecutor's offices; and

WHEREAS, the Spokane Municipal Code contains no similar provisions;

Now, Therefore,

The City of Spokane does ordain:

Section 1. That there is adopted a new chapter 10.15B Marijuana Regulation to title 10 of the Spokane Municipal Code to read as follows:

**Chapter 10.15B**

**MARIJUANA REGULATION**

**10.15B.010 Title**

This chapter shall be known as the Marijuana Regulation Ordinance.

**10.15B.020 Marijuana Regulation**

The City of Spokane shall establish a system to license and regulate marijuana as soon as possible under Washington State law.

**10.15B.030 Lowest Law Enforcement Priority Policy**

- A. The police chief and city attorney shall make the investigation, arrest, and prosecution of adult marijuana offenses the lowest law enforcement priority.
- B. The lowest law enforcement priority policy shall not apply to the following:
  - 1. distribution or sale of marijuana to minors
  - 2. possession, use, distribution, sale or cultivation of marijuana by minors
  - 3. distribution, sale, cultivation, or use of marijuana on public property
  - 4. driving under the influence of marijuana.
- C. This lowest law enforcement priority policy shall apply to cooperating with county, state, or federal agent to arrest, cite, investigate, prosecute, or seize property from adults for marijuana offenses included in the lowest law enforcement priority policy.
- D. Spokane law enforcement officers and other city employees shall not accept or renew formal deputizations or commissioning by a federal law enforcement agency if such deputization or commissioning will include investigating, citing, arresting or seizing property from adults for marijuana offenses included in the lowest law enforcement priority policy.

**10.15B.040****Community Oversight Committee**

- A. A Community Oversight Committee shall be appointed to oversee the implementation of this chapter and shall serve voluntarily. The committee shall be formed and begin meeting within ninety days after the enactment of this chapter, even if some of its members have not been appointed. The committee will be composed of two city council member; one city resident from each council district; one marijuana related business owner; one medical marijuana patient; one marijuana policy reform advocate; and one drug abuse, treatment and prevention counselor, each of whom will be appointed by the Spokane city mayor and confirmed by the city council. The committee members shall serve at the pleasure of the mayor, who shall appoint replacement members on an as needed basis with confirmation by the city council. The Spokane Police Department, the Spokane City Attorney and the Eastern Washington Cannabis Association shall each send one representative as a nonvoting liaison to each of the committee meetings.
- B. Responsibilities of the committee shall include:
1. ensuring timely implementation of this chapter;
  2. make recommendations to the Spokane city council regarding appropriate regulations, in accordance with SMC 10.15B.020.

**10.15B.050****Notification of Federal & State Officials**

Beginning one month after the enactment of this chapter, the city clerk shall execute a mandatory and ministerial duty of sending letters on an annual basis to the Spokane voters' U.S. representative or representatives, both of Washington's U.S. senators, Spokane voters' senator and representative members in the Washington State Legislature, the governor of Washington, and the president of the United States. This letter shall state, "The citizens of Spokane have passed an initiative to regulate marijuana and to de-prioritize adult marijuana offenses and request that the federal and Washington state governments take immediate steps to enact similar laws." This duty shall be carried out until state and federal laws are changed accordingly.

**10.15B.060****Enforceability**

All sections of this chapter are mandatory. If any provision of this chapter is not carried out properly, any person who is registered to vote in the City of Spokane may seek judicial action to ensure the law is fully implemented.

**10.15B.070**

**Severability**

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