

Initiative Measure No.882, filed August 19, 2016

AN ACT Relating to public health and safety concerning marijuana production, processing, and sale in residential zoned neighborhoods; adding a new section to chapter 69.50 RCW; creating new sections; adding a new section to chapter 9A.82.100 RCW; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1.** By enacting this measure, the people intend to maintain health and safety, prevent the disruption of vital utility services, and prevent the unlawful theft of utilities such as power and water that are essential for marijuana grow operations.

NEW SECTION. **Sec. 2.** A new section is added to chapter 69.50 RCW to read as follows:

(1) The production, processing, and sale of marijuana is unlawful in residential zoned neighborhoods.

PENALTY

New Section. Sec. 3. A new section to chapter 69.50 RCW; adding a new section to chapter 9A.82.100 RCW.

(2) This section does apply to cannabis and marijuana products approved by the United States Food and Drug Administration for consumer use. Moreover, anyone found to be in violation of the zoning laws for marijuana and cannabis production, processing, and sales will be subject to total confiscation of property according to existing federal, state and local laws. All real property found in violation of section 1 will be subject to a maximum penalty of forfeiture and seizure of its deed and or title to the property. The forfeiture will include all homes in violation of the laws governing cannabis and appropriate zoning. The burden of screening any tenant with intent to occupy the real property rests upon the name and legal owner of the property regardless of whom has residency under the lease or rental agreement at the time of the law enforcement reporting the violation. Homes and other property may be seized for violations of the Washington Uniform Controlled Substances Act if certain conditions are met. A seizure of property commences a forfeiture proceeding in which the law enforcement agency must give notice to the owner and others with an interest in the

property within 15 days. After notice has been served, those with an interest in the property have 45 days in the case of personal property and 90 days in the case of real property to respond, or consequently the items will be deemed forfeited. Private or state actors may file an action for damages and forfeiture of property involved in delivery, cultivation, or possession with intent to deliver or cultivate marijuana or cannabis.

(1) Definitions for the purposes of this section:

(a) "Diverting" means the taking of power or water and term most often used by police authority during a marijuana raid to describe the unlawful tapping into or bypassing a metered utility source by marijuana grow house owners.

(b) "Power meter" means a utility that monitors usage and is most often attached to the side of a building as a way to measure the usage of electrical power.

(c) "Forfeiture and seizure" means loss of legal title as consequence to the violation of the Washington Uniform Controlled Substances Act.

(d.) "Notice" means communicating to the offending party that has violated the zoning laws for growing cannabis and marijuana.

CONSTRUCTION CLAUSE

NEW SECTION. **Sec. 3.** The provisions in this act are to be liberally construed to effectuate the policies, purposes, and intent of this act.

SEVERABILTY CLAUSE

NEW SECTION. **Sec. 4.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

TITLE OF THE ACT

NEW SECTION. **Sec. 5.** This act may be known and cited as the "cannabis not next door initiative".

NEW SECTION. **Sec. 6.** This act takes effect January 1, 2018.

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