

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1781

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF FIFE, PIERCE COUNTY, WASHINGTON
EXTENDING THE EXISTING MORATORIUM ON
MEDICAL MARIJUANA COLLECTIVE GARDENS
FOR AN ADDITIONAL SIX MONTH PERIOD**

WHEREAS, on August 9, 2011 the City Council passed Emergency Ordinance No. 1750, enacting a moratorium on medical marijuana collective gardens to January 26, 2012; and

WHEREAS, on January 24, 2012 the City Council passed Emergency Ordinance No. 1765 extending the moratorium on medical marijuana collective gardens established by Emergency Ordinance No. 1750 for an additional six month period to July 24, 2012 in order to allow additional time to analyze the potential impacts of medical marijuana collective gardens and to development more appropriate zoning regulations; and

WHEREAS, the extension provided for by Emergency Ordinance No. 1765 was also intended to enable the City to determine whether or not the Washington State Legislature would pass additional legislation during the 2012 legislative session to provide further guidance on how local governments may or may not regulate medical marijuana collective gardens; and

WHEREAS, during the 2012 legislative session the Washington State legislature took no action on passing legislation related to providing guidance on how local governments may or may not regulate medical marijuana collective gardens; and

WHEREAS, Initiative 502 (I-502) related to "marijuana reform" is scheduled to appear on the November 2012 general ballot, which further provides uncertainty over how medical marijuana collective gardens should be regulated at this point in time; and

WHEREAS, a City Council public hearing on the extension of Emergency Ordinance No. 1750, as extended by Emergency Ordinance No. 1765 was held on June 26, 2012; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City to adopt moratoria; and

WHEREAS, an extension of the moratorium on medical marijuana collective gardens is necessary to protect the public health, safety or welfare and is a legitimate exercise of the City's police power; now therefore,

**THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY,
WASHINGTON DO ORDAIN AS FOLLOWS:**

Section 1. The recitals set forth in Emergency Ordinance No. 1750, Emergency Ordinance No. 1765, and as set forth above are hereby adopted as the City Council's findings in support of the moratorium extension provided by this Ordinance.

Section 2. The moratorium on medical marijuana collective gardens, passed by Emergency Ordinance No. 1750 on August 9, 2011 and extended for a period of six months to July 24, 2012 by Ordinance No. 1765, is hereby extended for an additional six month period to January 24, 2013.

Section 3. Medical marijuana collective gardens continue to be designated as a prohibited land use in the City of Fife.

Section 4. Each and every provision of this Ordinance shall be deemed severable. If any provision of this ordinance should be deemed to be unconstitutional or otherwise contrary to law by court of competent jurisdiction, then it shall not affect the validity of the remaining sections so long as the intent of the Ordinance can be fulfilled without the illegal section.

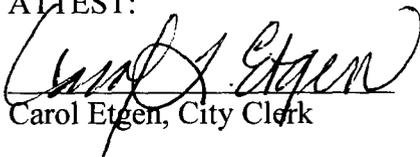
Section 5. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced the 10th day of July, 2012.

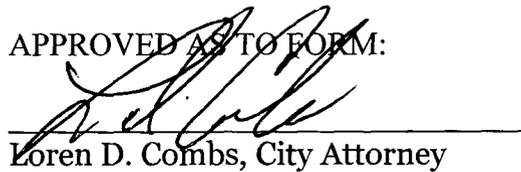
Passed by the City Council on the 10th day of July, 2012.


Dave Zabell, City Manager

ATTEST:


Carol Etgen, City Clerk

APPROVED AS TO FORM:


Loren D. Combs, City Attorney

Published: 7/13/12
Effective Date: 7/18/12, 2012

