

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1825

**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 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, on July 10, 2012 the City Council passed Ordinance No. 1781 again extending the moratorium on medical marijuana collective gardens established by

Emergency Ordinance No. 1750 for an additional six month period to January 24, 2013 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 provide for by Ordinance No. 1781 was intended in part to determine whether or not the voters of the State of Washington would approved or reject Initiative 502 (“I-502”) related to “marijuana reform” that was scheduled to appear on the November 2012 general election ballot; and

WHEREAS, in November 2012, I-502 was passed by the voters of the State of Washington, and

WHEREAS, I-502 does not change federal law, which considers marijuana as a controlled substance that is illegal for any type of use; and

WHEREAS, the passage of I-502 adds further uncertainty over the regulation of marijuana at this point in time, especially given the conflict between state law with federal law; and

WHEREAS, a City Council public hearing on the extension of Emergency Ordinance No. 1750, as extended by Emergency Ordinance No. 1765 and again by Ordinance No. 1781, was held on December 11, 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, Ordinance No. 1781, 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, and extended again for a period of six months to January 24, 2013 by Ordinance No. 1781 is hereby extended for an additional six month period to July 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 8<sup>th</sup> day of JAN., 2013.

Passed by the City Council on the 8<sup>th</sup> day of JAN., 2013.

  
Dave Zabell, City Manager

ATTEST:

Michelle McBride  
for Carol Etgen, City Clerk

APPROVED AS TO FORM:

Loren D. Combs  
Loren D. Combs, City Attorney

Published: January 10, 2013  
Effective Date: January 15, 2013

AFFIDAVIT OF PUBLICATION  
STATE OF WASHINGTON  
COUNTY OF PIERCE

I, Cheri Winden, being first duly sworn, on oath, says that she is the legal clerk of The News Tribune, a daily newspaper, published in Tacoma, Pierce County, Washington, and of general circulation in said state, and having a daily circulation of over 96000 copies. That said newspaper is now and at all times hereinafter mentioned as a legal newspaper as defined by the laws of the state, duly approved by the Superior Court of Pierce County, Washington. That the advertisement, of which the attached is a printed copy as it was published in the regular issue of said newspaper, was published 1 time(s), commencing on the 10<sup>th</sup> day of January 2013 and ending on the 10<sup>th</sup> day of January 2013.

Ad number 1359918  
ACCT# 220218AIM CITY OF FIFE

*Cheri Winden*

Subscribed to and sworn before me on this  
10<sup>th</sup> day of January 2013.

*Jessica Nicole Wells*

Notary public in and for the state of  
Washington, residing in Pierce County.  
1950 So. State St. Tacoma, WA 98405



### Ad Order Confirmation

**Ad Order Number** 0001359918  
**PO Number** ORD 1825  
**Customer Account** 220218AIM  
**Customer** CITY OF FIFE  
 ACCOUNTS PAYABLE, 5411 23RD ST E,  
 FIFE WA 98424-2061 USA  
  
**Phone Number** 253-922-2489  
**Phone Number 2**  
**Customer Fax**  
  
**Payment Method**  
**Total Amount** \$86.23  
**Payment Amt** \$0.00  
**Amount Due** \$86.23

**Ad Number** 0001359918-01  
**Sales Rep.** legals  
**Blind Box**  
**Tear Sheets** 3  
**Proofs** 0  
**Ad Size** 1.0 X 13 Li  
**Invoice Text:** ORD 1825  
**Affidavits** 1  
**Placement** Legal  
**Position** Legals-001

Product	Start Date	Stop Date	# Inserts
The News Tribune	1/10/2013	1/10/2013	1

**NOTICE OF ORDINANCES PASSED BY**  
**THE CITY OF FIFE**  
**ORDINANCE NO. 1825**  
**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**  
 PASSED by the City Council on the 8th day of  
 January, 2013.  
 The full text of this ordinance is available from the  
 City Clerk's Office, 5411 23rd St. E., Fife, WA  
 98424 or by calling 253-922-2489.