

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1838

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 develop more appropriate zoning regulations; and

WHEREAS, the extension provided for by Ordinance No. 1781 was also intended to determine whether or not the voters of the State of Washington would approve 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, on January 8, 2013 the City Council passed Ordinance No. 1825 again extending the moratorium on medical marijuana collective gardens established by Emergency Ordinance No. 1750 for an additional six month period to July 24, 2013 and

WHEREAS, the extension provided for by Ordinance No. 1825 found that the passage of I-502 added further uncertainty over the regulation of marijuana in the State of Washington at this point in time, especially given the conflict between state law with federal law; and

WHEREAS, in May 2013 the Washington State Liquor Control Board released “Initial Draft Rules” for the implementation of I-502, with a projected deadline at this time of August 2013 for the rule-making process to be complete; and

WHEREAS, the “Initial Draft Rules” contain requirements the State will use to license the production, processing and retailing of marijuana; and

WHEREAS, evaluation of these “Initial Draft Rules” and the subsequent formally filed draft rules provide additional information for the City to consider in developing appropriate zoning regulations for marijuana related land uses authorized by I-502, as well as medical marijuana collective gardens; and,

WHEREAS, a City Council public hearing on the extension of Emergency Ordinance No. 1750, as extended by Emergency Ordinance No. 1765, extended again by Ordinance No. 1781 and extended again by Ordinance No. 1825, was held on June 11, 2013; 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, Ordinance No. 1825 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, and extended again for a period of six months to July 24, 2013 by Ordinance No, 1825 is hereby extended for an additional six month period to January 24, 2014.

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 25th day of June, 2013.

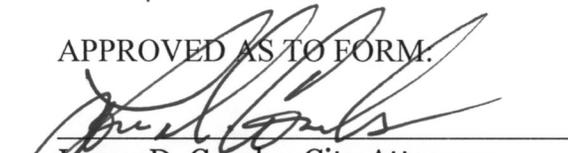
Passed by the City Council on the 9th day of July, 2013.


Dave Zabel, City Manager

ATTEST:


Carol Egen, City Clerk

APPROVED AS TO FORM.


Loren D. Combs, City Attorney

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