

EMERGENCY ORDINANCE

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1986

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AFFIRMING THE MORATORIUM ON OPIOID TREATMENT PROGRAMS/FACILITIES, ADOPTING FINDINGS OF FACT, AND DECLARING THIS ORDINANCE A PUBLIC EMERGENCY ORDINANCE AND THUS EFFECTIVE IMMEDIATELY

WHEREAS, in a routine review of the City zoning code, the Community Development Director has found that opioid treatment programs, including methadone clinics, are not mentioned in the zoning code; and

WHEREAS, many opioids, including methadone, are Schedule II substances according to RCW 69.50.206 and, according to RCW 69.50.205 have a high potential for abuse, and may lead to severe psychological or physical dependence; and

WHEREAS, on May 22, 2018, the Fife City Council passed Ordinance 1982, an emergency ordinance imposing a moratorium on opioid treatment programs, and set a public hearing for the matter for June 26, 2018; and

WHEREAS, On June 26, 2018, the Fife City Council had a public hearing on the matter of a moratorium on opioid treatment programs, and received input from the public; and

WHEREAS, the Community Development Director would like to receive additional input from the public and the DSHS Division of Behavioral Health and Recovery, and have Planning Commission review regarding the correct placement of such facilities, and the appropriate conditions, if any, to be placed upon their location; and

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

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WHEREAS, a moratorium is necessary to provide the City with sufficient time to study the potential impacts of opioid treatment programs, both for the surrounding properties as well as for the property on which the programs would exist; and

WHEREAS, pursuant to WAC 197-11-880, the adoption of this ordinance is exempt from the requirements of a threshold determination under the State Environmental Policy Act; and

WHEREAS, the immediate enactment of a moratorium siting methadone clinics and other opioid treatment programs in the City 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 above are hereby adopted as the City Council's findings of fact in support of the moratorium referenced in this Ordinance.

Section 2. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the moratorium is hereby continued to be imposed prohibiting methadone clinics and all other opioid treatment programs, as defined in RCW 71.24.590(4), in all zoning districts in the City of Fife.

Section 3. Methadone clinics and all other opioid treatment programs are hereby continued to be designated as prohibited uses in the City of Fife. No business license application shall be accepted and no business license shall be issued under FMC Chapter 5.01 for a methadone clinic.

Section 4. This moratorium is affirmed as a six month moratorium, starting from the date of first adoption on May 22, 2018, and shall remain in effect until November 21, 2018 unless earlier terminated.

Section 5. This Ordinance, passed by a majority plus one of the whole membership of the City Council, is hereby designated as a Public Emergency Ordinance necessary for the protection of public health, safety, public property or the public peace and shall be effective upon adoption.

Section 6. 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 a 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.

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Introduced the 26th day of June, 2018.

Passed by the City Council on the 26th day of June 2018.



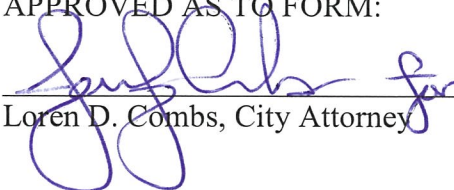
Hyun Kim, City Manager

ATTEST:



Angela Woods, City Clerk

APPROVED AS TO FORM:



Loren D. Combs, City Attorney

Published: June 28, 2018
Effective Date: June 26, 2018