

CITY OF PACIFIC, WASHINGTON

ORDINANCE NO. 13- 1848

AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON, EXTENDING THE MORATORIUM ON THE ESTABLISHMENT OF MEDICAL MARIJUANA COLLECTIVE GARDENS; EXTENDING THE MORATORIUM ON THE PROCESSING, PRODUCTION, AND DISPENSING OF MEDICAL MARIJUANA; EXTENDING THE EFFECTIVE DATE; AND PROVIDING THAT THE MORATORIUM WILL SUNSET WITHIN SIX (6) MONTHS OF THE DATE OF ADOPTION.

WHEREAS, the City Council of the City of Pacific passed Ordinance 1804 on August 8, 2011, which established a six (6) month moratorium on the issuance of permits or licenses for medical marijuana collective gardens, and;

WHEREAS, the City Council of the City of Pacific passed Ordinance 12-1823 on February 13, 2012, which established a twelve (12) month moratorium on the issuance of permits or licenses for medical marijuana collective gardens, and;

WHEREAS, the City Council held a public hearing on February 25, 2013 to consider an extension of the moratorium on the production, processing and dispensing of Medical Marijuana, and was presented with a plan that will provide the Council with the desired draft zoning regulation, and;

WHEREAS, the City Council of the City of Pacific passed ordinance 13-1843 on February 25, 2013, which established a six (6) month moratorium on the issuance of permits or licenses for medical marijuana collective gardens, and;

WHEREAS, the moratorium was established in order to allow the City of Pacific Planning Commission to plan, process and provide the City Council with draft zoning regulations that would address the issues of permitting medical marijuana in use categories that would be compatible with the permitted uses of the zone(s), and;

WHEREAS, the Washington State Supreme Court has before it a case involving Medical Marijuana zoning regulations similar to those contemplated by the City of Pacific and is expected to rule on the legality of those regulations this year, and;

NOW, THEREFORE, THE CITY COUNCIL OF PACIFIC, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The recitals set forth above are hereby adopted as the Pacific City Council’s findings in support of the extension of the moratorium imposed by Ordinance 1804, Ordinance 12-1823 and Ordinance 13-1843, and the establishment of a moratorium on the processing, production and dispensing of medical marijuana.

Section 2. Pursuant to the provisions of RCW 35A.63.220 and RCW 36.70A.390, an extension of the zoning moratorium established by Ordinance 1804 and extended by Ordinance 12-1823 and Ordinance 13-1843 is hereby enacted in the City of Pacific prohibiting the licensing, establishment, maintenance or continuation of any medical marijuana collective garden, as defined in RCW 69.51A.085.

Section 3. Medical marijuana collective gardens as defined in Section 2 are hereby designated as prohibited uses in the City of Pacific. In accordance with the provisions of RCW 35A.82.020 and Pacific Municipal Code 5.02.138(2), no business license shall be issued to any person for a collective garden, which is hereby defined to be a prohibited use under the ordinances of the City of Pacific.

Section 4. Pursuant to the provisions of RCW 35A.63.220, a zoning moratorium is hereby enacted in the City of Pacific prohibiting the licensing, establishment, maintenance or continuation of an medical marijuana dispenser, distributor, producer or manufacturer as defined in RCW 69.51A.101 (as amended by 2013 c 3): (i) “Dispenser” means a practitioner who dispenses; (k) “Distributor” means a person who distributes; (j) “Distribute” means to deliver other than by administering or dispensing a controlled substance; (r) “Manufacture” means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container; (ee) “Production” includes the manufacturing, planting, cultivating, growing, or harvesting of a controlled substance.

Section 5. Medical marijuana dispensers, distributors, producers or manufacturers, as defined in Section 4 are hereby designated as prohibited in the City of Pacific. In accordance with the provisions of RCW 35A.82.020 and Pacific Municipal Code 5.02.138(3), the dispensing, distribution, production or manufacture of medical marijuana are hereby defined to be prohibited uses under the ordinances of the City of Pacific.

Section 6. The moratorium set forth in this Ordinance shall be in effect for a period of six (6) months from the date this Ordinance is passed and shall automatically expire on that date, unless terminated sooner by the Pacific City Council.

Section 7. The Public Works/Community Development Director is hereby authorized and directed to implement the plan attached herein as “Attachment A.”

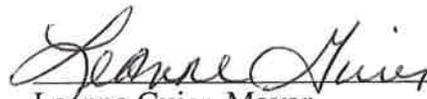
Section 8. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or

otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 9. This Ordinance shall be in full force and effect five (5) business days after its publication according to law.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 12TH DAY OF AUGUST, 2013.

CITY OF PACIFIC



Leanne Guier, Mayor

ATTEST:



Betty J. Garrison, MMC, ~~in the absence of a City Clerk~~
Interim Acting

APPROVED AS TO FORM:



Kenyon Luce, City Attorney

CITY OF PACIFIC, WASHINGTON ORDINANCE NO. 13- 1848

“ATTACHMENT A”

The City Council of the City of Pacific held a public hearing on February 25, 2013 to consider an extension of the moratorium on the production, processing and dispensing of Medical Marijuana, and was presented with a plan that will provide the Council with the desired draft zoning regulation. The City Council passed ordinance 13-1843 on February 25, 2013, which established a six (6) month moratorium on the issuance of permits or licenses for medical marijuana collective gardens.

The planned draft zoning regulations address the issues of permitting medical marijuana in use categories that would be compatible with the permitted uses of the zone(s). However, the Washington State Supreme Court has before it a case involving Medical Marijuana zoning regulations similar to those contemplated by the City of Pacific and is expected to rule on the legality of those regulations this year.

The February 25, 2013 moratorium was due to expire on August 25, 2013. Therefore, the City Council of the City of Pacific, on August 12, 2013, has extended the moratorium an additional six months, and now directs the Public Works/Community Development Director to consider possible alternative draft zoning regulations during this moratorium extension.

STATE OF WASHINGTON, COUNTY OF KING }
AFFIDAVIT OF PUBLICATION

PUBLIC NOTICE

Linda M Mills, being first duly sworn on oath that she is the Legal Advertising Representative of the

Auburn Reporter

a weekly newspaper, which newspaper is a legal newspaper of general circulation and is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a weekly newspaper in King County, Washington. The Auburn Reporter has been approved as a Legal Newspaper by order of the Superior Court of the State of Washington for King County.

The notice in the exact form annexed was published in regular issues of the Auburn Reporter (and not in supplement form) which was regularly distributed to its subscribers during the below stated period. The annexed notice, at:

Public Notice

was published on August 23, 2013.

The full amount of the fee charged for said foregoing publication is the sum of \$92.87.


Linda M. Mills

Legal Advertising Representative, Auburn Reporter
Subscribed and sworn to me this 23rd day of August, 2013.


Kathleen C. Sherman, Notary Public for the State of Washington,
Residing in Buckley, Washington



SUMMARY OF

ORDINANCE NO. 13-1848

City of Pacific, Washington

On the 12th day of August 2013, the City Council of the City of Pacific, Washington, passed Ordinance No. 13-1848. A summary of the content of said ordinance, consisting of the title, provides as follows:

ORDINANCE NO. 13-1848

AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON, EXTENDING THE MORATORIUM ON THE ESTABLISHMENT OF MEDICAL MARIJUANA COLLECTIVE GARDENS; EXTENDING THE MORATORIUM ON THE PRODUCTION, PROCESSING, AND DISPENSING OF MEDICAL MARIJUANA; EXTENDING THE EFFECTIVE DATE; AND PROVIDING THAT THE MORATORIUM WILL SUNSET WITHIN SIX (6) MONTHS OF THE DATE OF ADOPTION.

The full text of this ordinance will be mailed upon request, in accordance with the City's fee schedule.

Dated the 14th day of August 2013.

Betty Garrison, MMC,
Interim Acting City Clerk
Published in Auburn Reporter
on August 23, 2013. #858956.