

CITY OF PACIFIC
WASHINGTON

ORDINANCE NO. 1800

AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON ADOPTING A MORATORIUM ON THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSARIES, DEFINING "MEDICAL MARIJUANA DISPENSARY AND PROVIDING THAT THE MORATORIUM, UNLESS EXTENDED, WILL SUNSET WITHIN SIX (6) MONTHS OF THE DATE OF ADOPTION.

WHEREAS, RCW 35.63.200 and RCW 36.70A.390 authorize cities to adopt moratoria for specific purposes; and

WHEREAS, current Chapter 69.51A RCW is clear that nothing in its provisions are to be "construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of marijuana for non-medical purposes," and

WHEREAS, the Washington State Legislature is considering several bills during the 2011 legislative session that if passed and signed by the Governor would, among other changes, expressly allow and license medical marijuana dispensaries for use by qualifying patients; and

WHEREAS, the Washington State Department of Health opines that it is "not legal to buy or sell" medical marijuana and further opines that "the law [chapter 69.51A RCW] does not allow dispensaries," leaving enforcement to local officials, and

WHEREAS, the City Council finds that the secondary impacts associated with marijuana dispensaries, include but are not limited to the invasion of the business, burglary and robbery associated with the cash and drugs maintained on the site, and

WHEREAS, the City Council finds that the City's current development regulations do not adequately address the health, public safety and general public welfare concerns of the Mayor and City Council as they relate to medical marijuana dispensaries and they have asked the City staff to revise the development regulations to address these concerns; and

WHEREAS, a public hearing was held on April 18, 2011 before the Pacific City Council to accept public comment on the establishment of a moratorium,

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

Section 1. Pursuant to the provisions of RCW 35.63.200 and RCW 36.70A.390, a zoning moratorium is hereby enacted in the City of Pacific prohibiting the licensing, establishment, maintenance or continuation of any use consisting of or including the sale of medical marijuana, the provision of medical marijuana to more than one person, or the establishment of a medical marijuana dispensary. "Medical marijuana dispensary" is hereby defined as any individual, business, corporation or other entity which: 1) sells or otherwise dispenses marijuana to more than one "qualifying patient" in any thirty (30) day period or to any person who does not meet the definition of "qualifying patient" under the terms of the Act, and/or 2) maintains

more than one one-month supply for one qualifying patient on the premises at any time. The receipt of cash or other legal tender in exchange for, contemporaneously with or immediately following the delivery of marijuana shall be presumed to be a sale. Any person or entity which sells or otherwise dispenses marijuana to more than one person and/or qualifying patient in any thirty (30) day period should be presumed to be a "medical marijuana dispensary."

Section 2. Medical marijuana dispensaries are hereby designated as prohibited uses in the City of Pacific. In accordance with the provisions of RCW 35A,82.020 and PMC 5.02.138 (3), no business license shall be issued to a medical marijuana dispensary, which is hereby defined to be both a prohibited use under the ordinances of the City of Pacific, and an activity which does not comply with the general laws of the state of Washington.

Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title, PROVIDED, HOWEVER, that unless extended by the act of the Pacific City Council, this ordinance shall expire six (6) months following its effective date.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 25TH DAY OF APRIL, 2011.

CITY OF PACIFIC



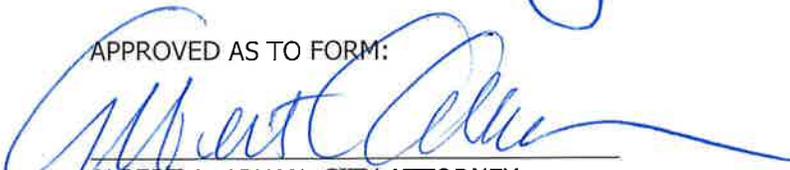
RICHARD HILDRETH, MAYOR

ATTEST/AUTHENTICATED:



JANE MONTGOMERY, CITY CLERK

APPROVED AS TO FORM:



ALBERT A. ABUAN, CITY ATTORNEY

FILED WITH THE CITY CLERK: 04.12.11
PASSED BY THE CITY COUNCIL: 04.25.11
PUBLISHED: 04.29.11
EFFECTIVE DATE: 05.04.11
ORDINANCE NO: 1800