

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 08-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON, ADOPTING A SIX-MONTH INTERIM ORDINANCE ESTABLISHING A 5,000 FOOT SEPARATION REQUIREMENT FOR RECREATIONAL MARIJUANA ESTABLISHMENTS AND DECLARING AN EMERGENCY IN ORDER TO PROVIDE FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, I-502 has legalized recreational marijuana in Washington State, and

WHEREAS, in response to I-502 most of the cities in Pierce County have adopted regulations banning the sale of recreational marijuana, and

WHEREAS, the City Council is not opposed to authorizing the sale of recreational marijuana, but does not want the City of Buckley to serve as the primary site for recreational marijuana sales in Pierce County since it is prohibited in most other cities, and

WHEREAS, a separation requirement of 5,000 feet between establishments involved in the sale or processing of recreational marijuana will ensure that the City of Buckley does not become inundated with new recreational marijuana establishments, and

WHEREAS, an immediate effective date is necessary because the City has already received several inquiries from potential recreational marijuana businesses and the Washington State Liquor Control Board has recently issued licenses to businesses that will have the option of locating in the City of Buckley, and

WHEREAS, pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City may adopt an immediate interim ordinance for a period of six months, provided that the City holds a public hearing on and adopts findings of fact related to the proposed moratorium within 60 days of adoption;

NOW THEREFORE THE CITY OF BUCKLEY, PIERCE COUNTY, DOES ORDAIN AS FOLLOWS:

Section 1. That the Recitals above are hereby adopted by reference as the City Council's findings of fact, as if fully set forth herein. The City Council may, in its discretion, modify and/or adopt additional findings of fact at the conclusion of the public hearing set by this ordinance.

Section 2. That pursuant to the provisions of RCW 35A.63.220, an interim ordinance is hereby enacted requiring that all establishments involved in the sale, production or processing of recreational marijuana, or any other marijuana facilities authorized by I-502, shall be separated from all other such establishments by at least 5,000 linear feet. If more than one business seeks to establish a recreational marijuana facility in the City of Buckley at the same time, the first business to file a complete business license application shall take priority for assessing compliance with the 5,000 foot requirement, i.e. all subsequent recreational marijuana businesses will have to be located more than 5,000 feet from the first business to file a complete business license application.

Section 3. The City Council deems it to be in the public interest to establish an emergency interim ordinance in order to provide additional time for the planning commission and city council to consider permanent regulations to address the issue of ensuring that Buckley doesn't assume more than its fair share of recreational marijuana facilities in Pierce County.

Section 4. That as required by RCW 35A.63.220, the City Council hereby refers this moratorium to the Planning Commission to make a recommendation for permanent zoning regulations, if any, regulating recreational marijuana facilities that are authored by I-502.

Section 5. That as required by RCW 35A.63.220, a public hearing is set for **October 28, 2014** in order to take public testimony and to consider adopting further findings to justifying the imposition of the moratorium adopted by this ordinance.

Section 6. That this ordinance shall be transmitted to the Washington State Department of Commerce, pursuant to RCW 36.70A.106.

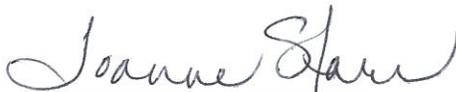
Section 7. Declaration of Emergency and Immediate Effective Date. That notice of and hearing on this ordinance, in the normal course, would undermine effective City planning by allowing the establishment of, or the submittal of permit applications between the time notice was published and the time the ordinance was passed to vest to City regulations which may be

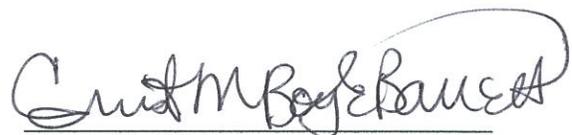
inadequate to protect the public health, safety and general welfare. Therefore, for this reason, the City Council hereby finds and declares that an emergency exists and that the 180-day interim regulations imposed by this ordinance shall become effective immediately upon passage of this ordinance and that an immediate effective date and this declaration of emergency is necessary for the protection of the public health, public safety, public property and public peace. The findings adopted by this ordinance are further adopted in support of this declaration of emergency.

Section 8. If any provision of this ordinance is held invalid, such invalidity shall not affect any other provision, or the applications thereof, which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are to be declared severable.

Introduced, passed, and approved by at least five members of the Buckley City Council on this 9th day of September, 2014.

Attest:


Joanne Starr, City Clerk


Mayor Pat Johnson
Mayor Pro-Tem

APPROVED AS TO FORM:


Phil Olbrechts, City Attorney

PUBLISHED: September 17, 2014

EFFECTIVE: Immediately