

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 14-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON, EXTENDING A SIX-MONTH MORATORIUM AN ADDITIONAL SIX MONTHS ON THE ESTABLISHMENT, LOCATION, OPERATION, LICENSING AND PERMITTING OF MARIJUANA PROCESS AND PRODUCTION FACILITIES; ADDING MARIJUANA RESEARCH FACILITIES TO THE MORATORIUM AND FIXING A TIME WHEN THE SAME SHALL BE COME EFFECTIVE

WHEREAS, on March 24, 2018 the Buckley City Council adopted Ordinance No. 04-18, an ordinance adopting a six month ban on the location, operation, licensing and permitting of marijuana process and production facilities; and

WHEREAS, the Buckley Planning Commission has been working diligently to formulate a recommendation on permanent regulations for marijuana facilities but needs additional time to forward its recommendation to the City Council; and

WHEREAS, the Buckley Planning Commission is also concerned about potential adverse impacts associated with marijuana research facilities and would like to include those facilities in the moratorium; and

WHEREAS, pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City may extend a six month moratorium an additional six months if a subsequent hearing is held and findings of fact are adopted prior to each renewal, NOW THEREFORE THE CITY OF BUCKLEY, PIERCE COUNTY, DOES ORDAIN AS FOLLOWS:

Section 1. The recitals above and the recitals in Ordinance No. 04-18 are hereby adopted by reference as the City Council's findings of fact in support of this ordinance. 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. Pursuant to the provisions of RCW 35A.63.220, the moratorium adopted by Ordinance No. 04-18 is hereby extended an additional six months to prohibit within the City of Buckley the establishment, location, operation, licensing and permitting of any facilities for marijuana processors or marijuana producers as defined by RCW 69.50.101 and 69.51A.010. The establishment, location, operation, licensing and permitting of marijuana research facilities is added to this prohibition. No building permit, occupancy permit or other development permit or

approval or business license shall be issued for any of the purposes, facilities, structures or activities associated with marijuana processors, marijuana producers and marijuana research facilities, provided that this moratorium shall not apply to pre-existing marijuana processors, marijuana research facilities or marijuana producers already in operation or with filed building permit applications. Any land use permits, business licenses or any other permit for any of these prohibited operations that are issued as a result of error or by use of vague or deceptive descriptions during the moratorium are null and void, and without legal force and effect.

Section 3. Nothing in this ordinance, by negative implication or otherwise, shall be construed as authorizing any drug related activities or land uses that are prohibited by state or federal law.

Section 4. 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 or a complete ban regulating marijuana research facilities, marijuana processors and marijuana producers.

Section 5. That as required by RCW 35A.63.220, a public hearing is set for October 9, 2018 for a public hearing in order to take public testimony and to consider adopting further findings to justifying the moratorium extension and revision 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. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 8. Effective date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force and effect five days after publication.

Introduced, passed, and approved by the Buckley City Council on 28 August, 2018.


Mayor Pat Johnson

Attest:


Joanne Starr, City Clerk

APPROVED AS TO FORM:


Phil Olbrechts, City Attorney

PUBLISHED: September 5, 2018

EFFECTIVE: September 10, 2018