

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 16-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON, ADOPTING A SIXTY-DAY EXTENSION OF A MORATORIUM FOR THE ESTABLISHMENT, LOCATION, OPERATION, LICENSING, PERMITTING, MAINTENANCE OR CONTINUATION OF MEDICAL MARIJUANA COLLECTIVE GARDENS OR MEDICAL MARIJUANA DISPENSARIES, AND FIXING A TIME WHEN THE SAME SHALL BE EFFECTIVE.

WHEREAS, on May 8, 2012, the Buckley City Council adopted Buckley Ordinance No. 06-12, a six month moratorium on the establishment, location, operation, licensing, permitting, maintenance or continuation of medical marijuana collective gardens or medical marijuana dispensaries; and

WHEREAS, on October 23, 2012, the Buckley City Council adopted Buckley Ordinance No. 10-12, a six-month extension of Ordinance No. 06-12; and

WHEREAS, on April 23, 2013, the Buckley City Council adopted Buckley Ordinance No. 3-13, another six month extension of Ordinance No. 06-12; and

WHEREAS, on October 8, 2013, the Buckley City Council adopted Buckley Ordinance No. 15-13, another six month extension of Ordinance No. 06-12; and

WHEREAS, on April 22, 2014, the Buckley City Council adopted Buckley Ordinance No. 04-14, a 90 day extension of Ordinance No. 06-12; and

WHEREAS, on July 22, 2014, the Buckley City Council adopted Buckley Ordinance No. 06-14, another six month extension of Ordinance No. 06-12; and

WHEREAS, on January 13, 2015, the Buckley City Council adopted Buckley Ordinance No. 01-15, another six month extension of Ordinance No. 06-12; and

WHEREAS, the legal status of medical marijuana in Washington State has been in a state of flux; most notably I-502, an initiative which seeks to legalize recreational marijuana to a limited extent, was approved by the voters in the November 2012 general election; and

WHEREAS, through the adoption of I-502 Washington State now has a comprehensive set of regulations and licensing requirements for recreational marijuana, but very few regulations applicable to medical marijuana; and

WHEREAS, in April, 2015 the Washington State Legislature adopted Senate Bill 5052, the "Cannabis Patient Protection Act" that established regulations for medical marijuana to make its regulation and licensing more consistent with recreational marijuana; and

WHEREAS, the Buckley City Council desires to regulate medical marijuana consistent with those adopted by the state legislature; and

WHEREAS, the City Planning Commission is currently working on draft regulations for the City that address both recreational and medical marijuana consistent with those adopted by the state legislature, but with performance standards that reflect local concerns and limitations; and

WHEREAS, pursuant to RCW 35A.63.220, a City may adopt a six month extension of a zoning moratorium, provided that the City holds a public hearing on and adopts findings of fact related to the proposed moratorium prior to the expiration of the moratorium; and

WHEREAS, the City Council would like to adopt an additional sixty (60) day extension to allow the Planning Commission time to complete the draft regulations, conduct a public hearing and forward to the City Council for consideration and adoption an ordinance that is consistent with that state law and the public health, safety and welfare of the City of Buckley community; and

WHEREAS, the continued imposition of a moratorium on medical marijuana is consistent with the City Council's authorization of recreational marijuana since recreational marijuana is subject to comprehensive state regulation, oversight and enforcement while medical marijuana is not,

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

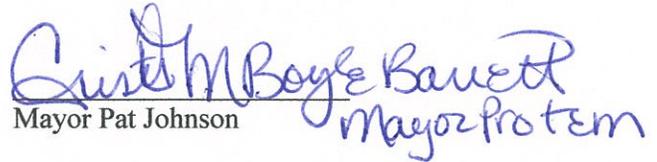
Section 1. That the Recitals above, as well as those in Ordinance No. 06-12, are hereby adopted by reference as the City Council's findings of fact, as if fully set forth herein. The City Council may, in its discretion, modify and/or adopt additional findings of fact at the conclusion of the public hearing set by this ordinance.

Section 2. That pursuant to the provisions of RCW 35A.63.220, the City Council adopts a sixty (60) day extension to the medical marijuana moratorium initially adopted in Buckley Ordinance No. 06-12.

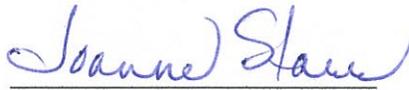
Section 3. If any provision of this ordinance is held invalid, such invalidity shall not affect any other provision, or the applications thereof, which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are to be declared severable.

Section 4. 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 five (5) days after publication.

Introduced, passed, and approved by the Buckley City Council on June 23, 2015.


Mayor Pat Johnson

Attest:


Joanne Starr, City Clerk

APPROVED AS TO FORM:


Phil Olbrechts, City Attorney

PUBLISHED: July 1, 2015

EFFECTIVE: July 6, 2015