

CITY OF NORTH BONNEVILLE

ORDINANCE NO. 1007

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH BONNEVILLE, WASHINGTON, TEMPORARILY PROHIBITING THE LOCATION OF ANY FACILITIES FOR THE GROWING, PRODUCTION, PROCESSING OR DISPENSING OF MARIJUANA PRIOR TO FURTHER STUDY AND PUBLIC ANALYSIS OF THIS ISSUE.

WHEREAS, on August 9th, 2011 the City enacted a 6 month moratorium regarding the growing, production, processing or dispensing of marijuana based on specific findings of fact; and

WHEREAS, this moratorium has now expired; and

WHEREAS, numerous laws have been proposed to the Washington State legislature on this issue, where there continues to be considerable debate and uncertainty regarding the future regulation of marijuana production and use; and

WHEREAS, Senate Bill 6265, Medical Marijuana Clarification, is currently before the state legislature and may significantly alter the city's ability to regulate marijuana facilities; and

WHEREAS, the possession or distribution of marijuana has been and continues to be a violation of state law pursuant to Chapter 69.50 RCW, and through the federal Controlled Substances Act; and

WHEREAS, E2SSB 5073 authorizes "collective gardens" where up to ten qualifying patients may join together to produce, grow and deliver up to 45 marijuana or cannabis plants for medical use; and

WHEREAS, under E2SSB 5073 there is no limit to the number of medical marijuana collective gardens that may be located at any site nor restrictions as to where collective gardens may be located in relation to other uses; and

WHEREAS, medical marijuana collective gardens are not currently addressed in the North Bonneville Municipal Code and under Section 1102 of E2SSB 5073 cities may adopt zoning requirements for collective gardens; and

WHEREAS, unless a zoning moratorium is imposed, medical marijuana collective gardens may be located within the City of North Bonneville while the city lacks the necessary tools to ensure the location is appropriate and that the potential secondary impacts of collective gardens are minimized and mitigated; and

WHEREAS, the City Council deems it to be in the public interest to establish a zoning moratorium pending consideration of land use regulations to address medical marijuana collective gardens; and

WHEREAS, a public hearing was held on February 13th, 2012; and

WHEREAS, the City Council adopts the foregoing as its findings of fact justifying its adoption of this ordinance;

NOW, THEREFORE, the City Council of the City of North Bonneville do ordain as follows:

Section 1. Moratorium Enacted

Pursuant to the provisions of RCW 35A.63.220 and RCW 36.70A.390, a zoning moratorium is hereby enacted in the City of North Bonneville prohibiting the licensing, establishment, maintenance or continuation of any medical marijuana collective garden. This shall be in effect for a period of six months from the date this Ordinance is passed and shall automatically expire on that date unless extended as provided in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the City Council.

A "medical marijuana collective garden" is an area or garden where qualifying patients engage in the production, processing, transporting and delivery of marijuana for medical use as set forth in the E2SSB 5073 and subject to the limitations therein.

Section 2. Prohibited Use Declared

Medical marijuana collective gardens as defined in Section 1 are hereby designated as prohibited uses in the City of North Bonneville. In accordance with the provisions of RCW 35A.82.020 and North Bonneville Municipal Code 5.04, no business license shall be issued to any person for a collective garden, which are hereby defined to be prohibited uses under the ordinances of the City of North Bonneville.

Section 3. Regulations to be Drafted

The Mayor is hereby authorized and directed to develop draft regulations regarding collective gardens. The regulations shall be referred to the North Bonneville Planning Commission for review and recommendation for inclusion in the North Bonneville Zoning Code.

Section 4. Severability

The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 5. Emergency Ordinance

This ordinance, passed by a majority plus one of the whole membership of the City Council as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall be effective immediately upon its passage.

PASSED BY THE CITY COUNCIL ON FEBRUARY 13th, 2012.

Don Stevens, Mayor

ATTEST:

John Spencer, City Clerk

APPROVED AS TO FORM:

Ken Woodrich, Attorney