

Ordinance No. 2985

An Ordinance Extending a Moratorium on Medical Marijuana Cooperatives

Whereas the Washington State legislature passed Senate Bill 5052 and House Bill 2136, which change state law regarding various aspects of retail and medical marijuana;

Whereas Senate Bill 5052 repealed the law authorizing collective gardens and bans collective gardens beginning July 1, 2016;

Whereas the Anacortes City Council passed Ordinance 2964 on December 7, 2015, which established a moratorium on medical marijuana cooperatives provided for under Senate Bill 5052 and House Bill 2136 and the resulting anticipated regulations;

Whereas the Washington State Department of Health and Liquor and Cannabis Board are still developing final regulations under Senate Bill 5052 and House Bill 2136;

Whereas the City Council desires to postpone updates to the Anacortes Municipal Code until all final regulations are complete under Senate Bill 5052 and House Bill 2136.

Now, therefore, the City Council of the City of Anacortes does ordain as follows:

Section 1. Moratorium on medical marijuana cooperatives.

A. Recitals and findings of fact.

i. The City Council of the City of Anacortes makes the following findings:

1. Governor Inslee signed 2SSB 5052 on April 24, 2015 and HB 20136 on June 30, 2015, which develop Washington's regulation of medical marijuana and authorize the Washington State Liquor and Cannabis Board, to develop rules related to medical marijuana. This process is still underway.
2. The legislation eliminates collective gardens and creates marijuana cooperatives where up to four patients may grow up to 60 plants under certain conditions.
3. The City of Anacortes deems it necessary to prohibit the licensing and establishment of medical marijuana cooperatives in the interest of protection of public safety and health, and in the interest of providing time to evaluate the best alternatives for the community.

4. The City of Anacortes is extending a moratorium to prohibit the licensing and establishment of a medical marijuana cooperative in the City Limits of Anacortes.
5. RCW 35A.63.220 and RCW 36.70A.390 allows the City to adopt a moratorium effective up to twelve (12) months subject to a public hearing within sixty (60) days and putting a work plan in place. A duly noticed public hearing in full compliance with the sections listed herein was held on February 1, 2016, at which time a work plan was adopted.

B. Moratorium.

- i. For purposes of this ordinance, "medical marijuana cooperative" means up to four qualifying patients sharing responsibility for acquiring and supplying the resources required to produce and process cannabis for medical use at the domicile of one of the cooperative members.
- ii. Pursuant to the provisions of RCW 35A.63.220 and RCW 36.70A.390, the licensing and zoning moratorium adopted in Ordinance 2964 is hereby extended in the City of Anacortes, prohibiting the licensing and/or establishment of new medical marijuana cooperatives.
- iii. Prohibited Uses: New medical marijuana cooperatives are hereby designated as prohibited uses within the City of Anacortes during the pendency (including extensions) of the moratorium enacted hereby. In accordance with the provisions of RCW 35A.82.020, no business license or development permit shall be issued to a medical marijuana cooperative. This moratorium shall not affect any rights or licenses previously established or granted.
- iv. Should any portion hereof be found unlawful, unconstitutional or in any way nullified or overturned, the remainder hereof shall remain in full force and effect.
- v. Effective date and duration. The City Council hereby finds that this ordinance is necessary and proper to protect the public health and public safety, and that an emergency therefore exists. This ordinance, pursuant to RCW 35.12.130, shall be effective five days after passage by the City Council, signature by the mayor, and publication. The extended moratorium established hereby shall thereafter terminate on May 31, 2017.

Section 2. This ordinance shall take effect five (5) days from and after its passage, approval and publication in the manner required by law.

PASSED and APPROVED this 25th day of July, 2016.

CITY OF ANACORTES:



Laurie Gere, Mayor

Attest:

 For Steve H

Steve Hoglund, City Clerk-Treasurer

Approved as to Form:



Darcy Swetnam, City Attorney