

ORDINANCE NO. 4250

AN ORDINANCE of the City Council of the City of Kent, Washington, adopting section 15.08.550 of the Kent City Code, imposing a land use moratorium and an interim official control regarding the prohibition of community health engagement locations, safe injection sites, and other uses or activities designed to provide a location for individuals to consume illicit drugs.

RECITALS

A. In September 2016, the Heroin and Opioid Addiction Task Force convened by King County and Seattle recommended a comprehensive strategy focusing on prevention and increasing access to addiction treatment on demand.

B. In January 2017, the King County Executive and Seattle Mayor announced they would move forward on the complete set of recommendations including the establishment of facilities referred to as Community Health Engagement Locations (safe injection sites).

C. Community Health Engagement Locations or similar sites inherently attract criminal activity as the drugs consumed at those sites are themselves illegal, and locating sites in the City of Kent may attract additional criminal activity such as drug trafficking, burglary, and theft.

D. In June 2017, the King County Council voted to limit establishment of Community Health Engagement Locations (safe injection

sites) only to cities whose elected leaders choose to locate these facilities in their communities.

E. In order to thoughtfully respond to this rapidly emerging policy issue, the City Council strongly prefers preserving the status quo by prohibiting uses and activities in the City of Kent that are established and designed to provide a location for individuals to consume illicit drugs.

F. State laws, RCW 35A.63.220 and 36.70A.390, allow for the immediate adoption of a moratorium or interim official control without holding a public hearing, so long as the City Council holds a public hearing on the ordinance within sixty days of the ordinance's adoption.

G. The City Council adopts the foregoing as its findings of fact justifying adoption of this moratorium and interim official control to protect the public health, safety, and welfare of the residents of the City of Kent.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. - *Imposition of Moratorium as an Interim Official Land Use Control.* A moratorium and an interim official control prohibiting the locating of Community Health Engagement Locations, or safe injection sites, within the city is hereby imposed for six (6) months, and Chapter 15.08 of the Kent City Code is amended to adopt a new section 15.08.550 as follows:

Section 15.08.550 Use prohibited in all zoning districts. Community Health Engagement Locations (CHELs) designed to provide a hygienic environment where individuals are able to consume illegal or illicit drugs intravenously or by any other means are prohibited in all zoning

districts in the city. A CHEL includes all uses established or activities undertaken for the above-defined purpose, irrespective of how the use or activity is described. A CHEL may also be referred to as a medically supervised injection center, supervised injection site or facility, safe injection site, fix room, or drug consumption facility.

SECTION 2. - *Duration and Scope of Interim Official Control.*

Pursuant to RCW 35A.63.220 and 36.70A.390, this interim official control is recommended to be in effect for a period of six (6) months. This interim official control may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

SECTION 3. - *Public Hearing.*

Pursuant to RCW 35A.63.220 and 36.70A.390, the City Council shall hold a public hearing on this interim official control within sixty (60) days of its adoption, so as to hear and consider public comment and testimony regarding this interim official control. Following such hearing, the City Council may adopt additional findings of fact and may extend the interim official control for a period up to an additional six (6) months.

SECTION 4. - *Severability.*

If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 5. - *Findings of Fact.*

The findings contained in this Ordinance are hereby adopted as Findings of Fact to justify adoption of this moratorium and interim official control.

SECTION 6. - Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

SECTION 7. - Effective Period. The moratorium and interim official control shall take effect immediately after passage, and shall be in effect for a period of six (6) months thereafter, and shall automatically expire at the conclusion of that six-month period unless the same is extended as provided in RCW 35A.63.220 or RCW 36.70A.390, or unless terminated sooner by the City Council.


SUZETTE COOKE, MAYOR

ATTEST:


KIMBERLEY A. KOMOTO, CITY CLERK

APPROVED AS TO FORM:


TOM BRUBAKER, CITY ATTORNEY

DATE APPROVED: 15 day of August, 2017.

DATE PUBLISHED: 18 day of August, 2017.