

ORDINANCE NO. 1214

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING; TERMINATING AN EMERGENCY MORATORIUM RELATING TO MEDICAL MARIJUANA OR CANNABIS DISPENSARIES, PRODUCTION FACILITIES, AND PROCESSING FACILITIES AS ADOPTED IN ORDINANCE NO. 1206.

WHEREAS, April 25, 2011, the City Council passed Ordinance No. 1206, imposing an immediate moratorium on the acceptance of any development permit applications for, and prohibiting the location and establishment of, any medical marijuana or cannabis dispensary, production facility or processing facility within the Gig Harbor city limits; and

WHEREAS, Ordinance No. 1206 detailed the problems and uncertainties relating to medical marijuana or cannabis dispensaries, processing facilities and production facilities which caused the City Council to make a determination that the City should consider the adoption of new development regulations regarding medical marijuana or cannabis dispensaries, processing facilities and production facilities; and

WHEREAS, the purpose of the emergency moratorium was to allow the City time to consider and develop zoning regulations for medical marijuana or cannabis dispensaries, processing facilities, and production facilities given uncertainties under the current law and potential new legislation on the subject; and

WHEREAS, the Washington State Legislature considered a bill (ESSB 5073) that would legalize by authorizing the licensing of medical marijuana or cannabis dispensaries, production facilities, and processing facilities; and

WHEREAS, on April 29, 2011, Governor Gregoire vetoed the portions of ESSB 5073 that would have provided the legal basis for legalizing and licensing medical marijuana or cannabis dispensaries, processing facilities and production facilities; and

WHEREAS, ESSB 5073 also contained a provision requiring that a designated provider of medical cannabis may not serve as a designated provider to a different qualifying patient until 15 days have elapsed from the date the last qualifying patient designated that person to serve as a provider, and that provision was approved by Governor Gregoire; and

WHEREAS, the veto of portions of ESSB 5073 relating to dispensaries, processing facilities and production facilities, and the imposition of the 15-day period for designated providers to provide to a new patient removes the immediate need for development regulations relating to the subject, and thus the City Council desires to terminate the moratorium imposed by Ordinance No. 1206; Now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Moratorium Terminated. The City Council hereby terminates the moratorium imposed by Ordinance No. 1206.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be 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 3. Effective Date. This ordinance shall take effect and be in full force and effect five days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 13th day of June, 2011.

CITY OF GIG HARBOR

Mayor Charles L. Hunter

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Angela S. Belbeck

FILED WITH THE CITY CLERK: 06/08/11
PASSED BY THE CITY COUNCIL: 06/13/11
PUBLISHED: 06/22/11
EFFECTIVE DATE: 06/27/11
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