CITY OF SAMMAMISH
WASHINGTON

ORDINANCE NO. O2014-371

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, PROHIBITING THE ESTABLISHMENT, LOCATION, OPERATION, LICENSING, MAINTENANCE OR CONTINUATION OF MEDICAL MARIJUANA COLLECTIVE GARDENS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, in 2011, the Legislature passed ESSSB 5073 authorizing medical marijuana "collective gardens" designed to provide certain qualifying patients with the ability to produce, grow and deliver cannabis for medical use; and

WHEREAS, the Governor signed ESSSB 5073 but vetoed several sections of the bill; and

WHEREAS, the City Council deemed it to be in the public interest to establish a zoning moratorium pending local review of the anticipated changes in the law, which was implemented by Ordinance No. 2011-309 on July 18, 2011 and extended by Ordinance No. 2012-320, effective January 18, 2012, Ordinance No. 2012-328, effective July 18, 2012, Ordinance No. 2012-340, effective January 18, 2013; Ordinance No. 2013-348, effective July 18, 2013; and Ordinance No. 2013-361, effective January 18, 2014; and

WHEREAS, on March 31, 2014, in its decision in Cannabis Action Coalition, et al. v. City of Kent, Case No. 70396-0, the Washington State Court of Appeals Division I held that collective gardens are not legal under the Act and further upheld local governments' zoning authority to exclude or otherwise regulate collective gardens; and

WHEREAS, a public hearing was held on June 3, 2014; and

WHEREAS, the City Council finds and determines that the prohibition of collective gardens would protect the public safety, morals, health and welfare;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Medical Marijuana-Related Uses Prohibited. The City of Sammamish hereby prohibits the establishment, location, operation, licensing, maintenance or continuation of medical marijuana collective gardens within the City of Sammamish. A "collective garden" is
any area or location where qualifying patients engage in the production, processing, transporting, and delivery of cannabis for medical use as set forth in ESSSB 5073 or otherwise.

Section 2. No Business Licenses Issued. Collective gardens as defined in Section 1 of this Ordinance are hereby designated as prohibited uses in the City of Sammamish. In accordance with the provisions of RCW 35A.82.020 and SMC 5.05, no business license shall be issued to any person or entity for a collective garden.

Section 3. Findings of Fact. The above “Whereas” clauses of this Ordinance constitute specific findings of fact by the City Council in support of passage of this Ordinance.

Section 4. Moratorium Terminated. The six-month moratorium established pursuant to Ordinance No. 2013-361 shall terminate upon the effective date of this Ordinance.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 6. Effective Date. This Ordinance shall be effective five days after passage and publication in the official newspaper of the City.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON JUNE 17, 2014.

CITY OF SAMMAMISH

Mayor Thomas E. Vance

ATTEST/AUTHENTICATED:

Melonie Anderson
Melone Anderson/City Clerk

Approved as to form:

Michael R. Kenyon, City Attorney
Filed with the City Clerk: May 28, 2014
Public Hearing: June 3, 2014
First Reading: June 3, 2014
Passed by the City Council: June 17, 2014
Date of Publication: June 20, 2014
Effective Date: June 25, 2014