

**CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 210**

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON, IMPOSING A
MORATORIUM PROHIBITING ACCEPTANCE OR PROCESSING OF
APPLICATIONS, OR ISSUANCE OF PERMITS OR LICENSES, AND APPROVALS,
AND USES OR ACTIVITIES ASSOCIATED WITH THE PRODUCING, PROCESSING,
OR RETAILING OF MARIJUANA AND MARIJUANA-INFUSED PRODUCTS.**

WHEREAS, in November 2012 the voters of the State of Washington approved Initiative 502, providing a framework whereby individuals and business entities may be granted a state license authorizing them to produce, process, or sell marijuana and marijuana-infused products for recreational use; and

WHEREAS, pursuant to Initiative 502, the Washington State Liquor Control Board has developed and implemented regulations governing the licensing and operation of recreational marijuana or marijuana-infused producers, processors, and retailers; and

WHEREAS, the Washington State Liquor Control Board may begin issuing licenses authorizing individuals and businesses to produce, process, and sell recreational marijuana and marijuana-infused products; and

WHEREAS, marijuana remains a Schedule 1 drug under the federal Controlled Substances Act, and the production, possession, and use of marijuana for any purpose, including medical use, remains illegal under federal law; and

WHEREAS, prior to issuing a license to a producer, processor, or retailer, as those terms are defined by Initiative 502, the Washington State Liquor Control Board must give notice of the application for a license to the City of Liberty Lake, and the City of Liberty Lake has the right to file written objections to issuance of that license, but the Washington State Liquor Control Board makes the final decision whether to issue a license; and

WHEREAS, under Initiative 502 the only limitation on where a producer, processor, or retailer can exist is that any such premise cannot be within 1,000 feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center or library, or any game arcade where persons under twenty-one (21) years old may enter; and

WHEREAS, unless the City of Liberty Lake acts immediately to address the production, processing, and retail sales of recreational marijuana and marijuana-infused products, such uses may be able to locate in the City of Liberty Lake without regulation, creating the potential for adverse impacts on the City and its citizens; and

WHEREAS, on January 16, 2014, the Attorney General of Washington issued a legal opinion, AGO 2014 No. 2, that Initiative 502 does not preempt counties, cities, and towns from

banning marijuana and marijuana-infused producers, processors, and retailers within their jurisdictions; and

WHEREAS, the City of Liberty Lake may develop appropriate zoning, land use regulations, business license regulations, and other appropriate regulations to address the production, processing, and retail sales of recreational marijuana and marijuana-infused products; and

WHEREAS, the City of Liberty Lake needs time to study the land use impacts of the potential facilities or premises that may be utilized by producers, processors, and retailers and the various development standards that should be considered to mitigate the impacts before adoption of any City regulations and/or acceptance of applications and issuance of any permits or licenses; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City of Liberty Lake to adopt a moratorium of up six (6) months without first holding a public hearing on the moratorium, as long as it holds a public hearing on the moratorium within sixty (60) days of its adoption, and

WHEREAS, the City Council of Liberty Lake has determined that it is in the best interest of the City of Liberty Lake and its citizens that a moratorium be established to study appropriate regulations to address the production, processing, and retail sales of recreational marijuana and marijuana-infused products and to develop a work plan for the implementation of any regulations.

NOW, THEREFORE, the City Council of the City of Liberty Lake, Washington, do ordain as follows:

Section 1. **Findings of Fact.** The City Council adopts the above recitations as findings of fact justifying the moratorium, and may supplement these findings of fact before or immediately after the public hearing on this moratorium.

Section 2. **Moratorium Established.**

- A. A moratorium is imposed prohibiting the production, processing, and/or retail sale of recreational marijuana and marijuana-infused substances by state-licensed individuals or businesses within all zoning districts in the City of Liberty Lake.
- B. A moratorium is imposed on the issuance of any City of Liberty Lake building permit, development permit, business license, or any other permit or license to any state-licensed individual or business that seeks to produce, process, and/or sell recreational marijuana or marijuana-infused products in the City of Liberty Lake.

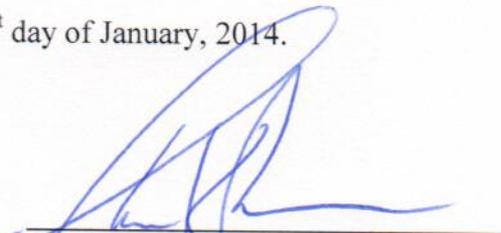
Section 3. **Term of Moratorium.** The moratorium established by this Ordinance shall be in effect for an initial period of six (6) months, unless repealed, extended, or modified by the City Council after a public hearing and the entry of appropriate findings of fact as required by RCW 35A.63.220 and/or RCW 36.70A.390.

Section 4. Public Hearing. Pursuant to RCW 35A.63.220 and/or RCW 35A.70A.390, the City Council shall hold a public hearing on this moratorium within sixty (60) days of the adoption of this moratorium, which shall be held on February 18, 2014.

Section 5. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or unconstitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 6. Effective Date. This Ordinance shall be in full force and effect five (5) days after publication of this Ordinance or a summary thereof in the official newspaper of the City of Liberty Lake as provided by law.

Passed by the City Council this 21st day of January, 2014.



MAYOR STEVE PETERSON

ATTEST:



ANN SWENSON, City Clerk

APPROVED AS TO FORM:



SEAN P. BOUITZ, City Attorney

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CERTIFICATION

I, Ann Swenson, the undersigned City Clerk of the City of Liberty Lake, of Spokane County, Washington, HEREBY CERTIFY that the foregoing Ordinance is a full, true, and correct copy of Ordinance No. 210 duly adopted at a regular meeting of the City Council of said City, duly and regularly held at the regular meeting place thereof on January 21, 2014 of which meeting all members of said City Council had due notice and at which a majority thereof were present; and that at said meeting said Ordinance was adopted by the following vote: unanimous.

AYES, and in favor thereof: Mayor Pro Tem Kaminskis, Brickner, Dunne, Olander, Langford, and Kopelson.

NAYS: None.

ABSENT: Council Member Severs.

ABSTAINED: None.

CITY OF LIBERTY LAKE



CITY CLERK