

**CITY OF LIBERTY LAKE  
SPOKANE COUNTY, WASHINGTON  
ORDINANCE NO. 212**

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON EXTENDING FOR UP TO SIX MONTHS 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 has begun issuing licenses authorizing individuals and businesses to produce, process, and sell recreational marijuana and marijuana-infused products; 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**, 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 is authorized pursuant to RCW 35A.63.220 and RCW 36.70A.390 to renew an existing moratorium for up to six-months as long as the City adopts findings of facts and holds a public hearing before renewing a moratorium; and

**WHEREAS**, the City Council adopted Ordinance 210 on January 21, 2014, that imposed a six-month moratorium 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, and within such ordinance included findings of fact to support imposition of the moratorium; and

**WHEREAS**, the City Council held a public hearing on February 18, 2014 regarding the moratorium imposed by Ordinance 210; and

**WHEREAS**, the moratorium should be extended or cancelled before August 4, 2014; and

**WHEREAS**, legislation was introduced in the Washington State Legislature's 2014 session that pertained to state-licensed marijuana business and could have impacted the City's approach to this matter, but was not adopted by the Washington State Legislature; 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**, an extension of the moratorium is necessary in order to provide the City with sufficient time to study the potential impacts of these new types of businesses and to develop and adopt appropriate zoning regulations, including a review by the City's Planning Commission for suggested recommendations to the City Council; and

**WHEREAS**, a renewal of the moratorium is in the best interests of the City and is needed to preserve the public health, safety, and welfare of the residents of the City.

**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 recitals as findings of fact in support of this ordinance.

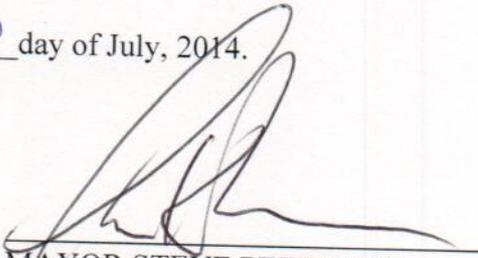
**Section 2. Moratorium Extension.** The City Council hereby extends, for up to six additional months from the expiration of the current six-month moratorium on August 4, 2014, the six-month moratorium imposed by Ordinance 210 prohibiting the production, processing, and/or retail sale of recreational marijuana and marijuana-infused substances by state-licensed individuals or businesses within all zoning districts in the City of Liberty Lake. The 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 up to a period of six (6) months from August 4, 2014, 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 35A.70A.390.

**Section 4. 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.

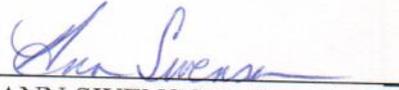
**Section 5. Effective Date.** This Ordinance shall be in full force and effect five (5) days after publication of this Ordinance or a summary thereof in the official newspaper of the City of Liberty Lake as provided by law.

Passed by the City Council this 15<sup>th</sup> day of July, 2014.



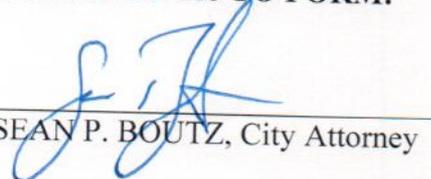
MAYOR STEVE PETERSON

**ATTEST:**



ANN SWENSON, City Clerk

**APPROVED AS TO FORM:**



SEAN P. BOUTZ, 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. 212 duly adopted at a regular meeting of the City Council of said City, duly and regularly held at the regular meeting place thereof on July 15, 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: 4-3

AYES, and in favor thereof: Mayor Pro Tem Kaminskis, Council Members Brickner, Langford, and Kopelson.

NAYS: Council Members Moore, Severs, and Dunne.

ABSENT: None.

ABSTAINED: None.

CITY OF LIBERTY LAKE

  
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CITY CLERK