

TOWN OF EATONVILLE

Agenda Staff Report

Agenda Item No.:	_____	Meeting Date:	<u>June 9, 2014</u>
Subject:	<u>Adoption of Ordinance No. 2014-3</u>	Prepared by:	<u>Gregory A. Jacoby</u>
	<u>Extending the Effective Date of the</u>		<u>Town Attorney</u>
	<u>Interim Regulations Relating to</u>	Atty Routing No:	<u>031-13</u>
	<u>Recreational Marijuana</u>	Atty Review Date:	<u>June 5, 2014</u>

Summary: On December 9, 2013, the Town Council adopted Ordinance No. 2013-15 adopting interim regulations concerning the production, processing, and retail sale of recreational marijuana with an expiration date of June 9, 2014. Pursuant to the Town's municipal code, the interim regulations need to be reviewed by the Planning Commission, which will hold a public hearing to receive public comment and then forward the regulations back to the Council with a recommendation as to the adoption of permanent regulations. The Planning Commission has not had an opportunity to perform this task so staff is asking that the interim regulations be extended for an additional six months so staff can work with the Planning Commission to develop a recommendation for the Council's consideration.

Because the interim regulations will expire on June 9th, staff is recommending that Council waive the first reading. State law permits this ordinance to take effect immediately upon a finding of public emergency. If the interim regulations are allowed to expire, the town will have no regulations regarding the location of recreational marijuana businesses, which staff believes is not in the general public interest. State law also requires that as part of the extension process, the Council must hold a public hearing. Because there was insufficient time to schedule a public hearing for the June 9th meeting, a public hearing will be scheduled for the Council's June 23rd meeting. The purpose of the public hearing will be to receive public testimony concerning the six month extension of the interim regulations. As proposed, the new expiration date will be December 8, 2014.

Recommendation: Staff recommends that the Council waive first reading and adopt effective immediately Ordinance No. 2014-3 extending for six months the effective date of the interim regulations concerning the production, processing, and retail sale of recreational marijuana.

Motion for consideration: I move to waive first reading and adopt effective immediately Ordinance No. 2014-3 extending for six months the effective date of the interim regulations concerning the production, processing, and retail sale of recreational marijuana.

Fiscal Impact: None.

Attachments: Ordinance No. 2014-3

ORDINANCE 2014-3

AN ORDINANCE OF THE TOWN OF EATONVILLE, WASHINGTON, EXTENDING THE EFFECTIVE DATE OF INTERIM REGULATIONS CONCERNING THE PRODUCTION, PROCESSING, AND RETAIL SALE OF RECREATIONAL MARIJUANA AND DECLARING THIS ORDINANCE A PUBLIC EMERGENCY AND THUS EFFECTIVE IMMEDIATELY

WHEREAS, on June 9, 2013, the Town Council adopted Ordinance 2013-15 adopting interim regulations concerning the production, processing, and retail sale of recreational marijuana; and

WHEREAS, the interim regulations are effective for a six month period expiring June 9, 2014; and

WHEREAS, the Town Council desires to extend the effective date of the interim regulations for an additional period not to exceed six months in order to provide the Planning Commission with sufficient time to review the interim regulations, hold a public hearing, and prepare a recommendation for the Town Council's consideration; and

WHEREAS, based upon the intended completion date of the review of the interim regulations within the next six months, the Town Council finds the public health and welfare would be best served by extending the effective date of the interim regulations; and

WHEREAS, the Town Council will hold a public hearing on June 23, 2014 to receive public comment concerning the extension of the interim regulations relating to recreational marijuana; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF EATONVILLE AS FOLLOWS:

Section 1. The effective date of the interim regulations concerning the production, processing, and retail sale of recreational marijuana as set forth in Ordinance No. 2013-15 is hereby extended for six months. The interim regulations shall remain in full force and effect until Monday, December 8, 2014, unless earlier terminated by Council action.

Section 2. This ordinance is hereby designated as a public emergency ordinance necessary for the protection of public health, safety, public property or the public peace and shall be effective upon adoption.

Section 3. 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 preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

1ST READING: Waived

2ND READING: 06/09/2014

PASSED by the Town Council of the Town of Eatonville and attested by the Clerk in authentication of such passage this 9th day of June 2014.

Mike Schaub
Mayor

ATTEST:

Kathy Linnemeyer
Town Clerk

APPROVED AS TO FORM:

Gregory A. Jacoby
Town Attorney