

ORDINANCE NO. 2011-5

AN ORDINANCE OF THE COUNCIL OF EATONVILLE IMPOSING A SIX MONTH MORATORIUM ON CANNABIS-RELATED BUSINESSES

WHEREAS, RCW 69.51A, Washington's Medical Marijuana Act, provides an affirmative defense to qualifying patients and providers charged with a violation of state law relating to marijuana; and,

WHEREAS, current state and federal law does not authorize cannabis related businesses to operate legally within the Town; and,

WHEREAS, the Governor recently partially vetoed legislation that would have legalized cannabis dispensaries but did not veto the portion of the legislation authorizing the Town to adopt requirements for business licensing, health and safety, or business taxes, in addition to the Town's zoning authority; and,

WHEREAS, RCW 35.63.200 authorizes the Town to adopt a moratorium; and,

WHEREAS, a moratorium is necessary so that the Town may study the effects of the partially vetoed legislation and analyze the need for adoption of requirements relating to business licensing, health and safety, or business taxes, as well as analyzing the legislation under the Town's zoning authority; and,

WHEREAS, this moratorium is necessary for the immediate preservation of public peace, health and safety, and the support of Town government;

NOW THEREFORE, BE IT ORDAINED by the Council of the Town of Eatonville, Washington, as follows:

Section 1. The Town Council of the Town of Eatonville makes the following findings of fact:

- (a) The foregoing whereas provisions as adopted as findings of fact.
- (b) A moratorium is necessary to provide the Town with sufficient time to study the potential impacts of cannabis related businesses, develop appropriate zoning, and health safety regulations and insure that those regulations comply with the law.
- (c) The Town Clerk has received inquires and business license applications from cannabis related businesses wanting to locate within the Town.
- (d) A moratorium is necessary to preserve the status quo until the Town adopts appropriate zoning and health safety regulations.

Section 2. Moratorium Established. No cannabis related business license, registration letter of intent or letter of acknowledgement shall be accepted or issued by the Town Clerk nor shall any cannabis related businesses be located within during this moratorium.

Section 3. Duration of Moratorium. This moratorium shall be in effect for six months from the effective date of this ordinance.

Section 4. Public Hearing. A public hearing for this moratorium will be held on May 23, 2011, at the regularly scheduled Town Council Meeting.

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 constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. Savings. Any ordinance amended by this ordinance shall remain in force and effect until the effective date of this ordinance.

Section 7. Effective Date. This ordinance shall become effective after its adoption by the Council as it relates to a public emergency and is needed for the immediate support of Town governments.

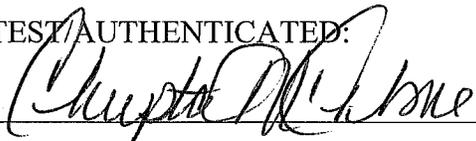
PASSED by the Town Council of the Town of Eatonville on this 5 day of May, 2011.

TOWN OF EATONVILLE



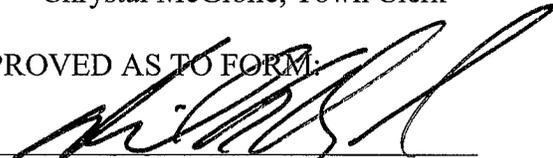
RAYMOND HARPER, MAYOR

ATTEST/AUTHENTICATED:

By: 

Chrystal McGlone, Town Clerk

APPROVED AS TO FORM:

By: 

Patterson Buchanan Fobes Leitch & Kalzer, Inc., P.S., Town Attorneys