

ORDINANCE NO. 1425

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RUSTON, WASHINGTON, RELATING TO LAND USE AND ZONING, TERMINATING AN EMERGENCY MORATORIUM ON THE ACCEPTANCE OF NON-EXEMPT APPLICATIONS FOR DEVELOPMENT OR BUSINESS LICENSE APPLICATIONS FOR THE SITING, LOCATION OR OPERATION OF ANY MARIJUANA PROCESSOR, PRODUCER OR RETAILER (EXCLUDING MEDICAL CANNABIS) WITHIN THE CITY, AS ADOPTED IN ORDINANCE NOS. 1401 AND 1405, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on April 2, 2013, the Ruston City Council passed Ordinance No. 1401 imposing an immediate moratorium on the acceptance of any development permit applications or business license applications for the siting, location or operation of any marijuana processor, marijuana producer, or marijuana retailer (specifically excluding medical marijuana or medical cannabis); and

WHEREAS, the City held a public hearing on the moratorium on May 7, 2013; and

WHEREAS, on May 7, 2013, following a public hearing, the City Council passed Ordinance No. 1405, which adopted findings and conclusions supporting the continued maintenance of the moratorium for a period of 6 months; and

WHEREAS, the purpose of the emergency moratorium was to allow the City to maintain the status quo while the Washington State Liquor Control Board (hereinafter "LCB") drafted the state regulations for the production, processing and sale of recreational marijuana and to allow the City time to develop regulations, if necessary, to address the problems identified in Ordinance Nos. 1401 and 1405 ; and

WHEREAS, the LCB has issued the draft regulations which will take effect on November 18, 2013 and which require a 1,000 foot linear separation between any recreational

marijuana business and certain sensitive uses, including “child care centers” and “public parks” (WAC 314-55-050(10).); and

WHEREAS, the definition of “public park” under the draft rules is “an area of land for the enjoyment of the public, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, owned and/or managed by a city, county, state, federal government, or metropolitan park district. Public park does not include trails.” (WAC 314-55-010(17).); and

WHEREAS, the definition of “child care center” under the draft rules is “an entity that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours licensed by the Washington state department of early learning under chapter 170-295 WAC” (WAC 314-55-010(4).); and

WHEREAS, the City Planner reviewed the LCB regulations and applied the buffers to the City’s land use map and also mapped the locations of all public parks (owned by both the City of Ruston and Tacoma Metro Parks) and child care centers; and

WHEREAS, this mapping exercise demonstrated that there is no place in the City limits of Ruston that is greater than 1,000 linear feet from a public park or licensed child care center; and

WHEREAS, under the terms of the LCB draft rules, no license for the production, processing or sale may be issued by the State of Washington for any location in the City limits of Ruston; and

WHEREAS, given that under State law, there is no location in Ruston for siting a recreational marijuana business, there is no reason to renew or continue the moratorium; and

WHEREAS, the moratorium imposed by the City under Ordinance Nos. 1401 and 1405 is not terminated until the City Council terminates the moratorium by formal action in the form of an ordinance; and

WHEREAS, on October 15, 2013 the City Council held first reading of this Ordinance; and

WHEREAS, on November 5, 2013, the City Council adopted this Ordinance at second reading during its regular meeting; **NOW, THEREFORE**

**THE CITY COUNCIL OF THE CITY OF RUSTON, WASHINGTON, ORDAINS
AS FOLLOWS:**

Section 1. **Termination of Moratorium.** The City Council hereby terminates the moratorium imposed by Ordinance No. 1401 and Ordinance No. 1405, which adopted the findings of fact and conclusions supporting continuation of the moratorium.

Section 2. **Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be 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 3. **Publication.** This Ordinance shall be published by an approved summary consisting of the title.

Section 4. **Effective Date.** This Ordinance shall be effective five days after publication as provided by law.

ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 5th day of November, 2013.

APPROVED by the Mayor this 5th day of November, 2013.



Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:



Judy Grams, City Clerk

APPROVED AS TO FORM:

Office of the City Attorney

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO: 1425