

**CITY OF GRANITE FALLS  
GRANITE FALLS, WASHINGTON**

**ORDINANCE NO. 817-11**

**AN INTERIM ORDINANCE OF THE CITY OF GRANITE FALLS,  
WASHINGTON, ADOPTING A MORATORIUM ON THE  
ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSARIES;  
DEFINING "MEDICAL MARIJUANA DISPENSARY"; PROVIDING  
FOR A PUBLIC HEARING; REFERRING THE MATTER TO THE  
PLANNING COMMISSION FOR REVIEW; ESTABLISHING AN  
EFFECTIVE DATE; AND PROVIDING THAT THE  
MORATORIUM, UNLESS EXTENDED, WILL SUNSET WITHIN  
SIX (6) MONTHS OF THE DATE OF ADOPTION.**

**WHEREAS**, Initiative Measure No. 692, approved November 3, 1998, created an affirmative defense for "qualifying patients" to the charge of possession of marijuana; and

**WHEREAS**, the initiative and current Chapter 69.51A RCW are clear that nothing in its provisions are to be "construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of marijuana for non-medical purposes"; and

**WHEREAS**, the Washington State Department of Health opines that it is "not legal to buy or sell" medical marijuana and further opines that "the law [Chapter 69.51.A RCW] does not allow dispensaries", leaving enforcement to local officials; and

**WHEREAS**, the City acknowledges the right of qualified health care professionals to prescribe the medical use of marijuana as well as the right of patients to designate a "designated provider" who can "provide" rather than sell marijuana to "only one patient at any one time"; and

**WHEREAS**, the City Council finds that the secondary impacts associated with marijuana dispensaries, include but are not limited to the invasion of the business, burglary and robbery associated with the cash and drugs maintained on the site; and

**WHEREAS**, the City Council finds that the sale of marijuana, no matter how designated by dispensaries, is prohibited by federal and state law;

**WHEREAS**, a public hearing was held on February 16, 2011 before Granite Falls City Council;

**NOW, THEREFORE**, the City Council of the City of Granite Falls, Washington, do ordain as follows:

Section 1. Pursuant to the provisions of RCW 36.70A.390, a zoning moratorium is hereby enacted in the City of Granite Falls prohibiting licensing, establishment, maintenance or continuation of any use consisting of or including the sale, provision and/or dispensing of medical marijuana to more than one person, or the establishment of a medical marijuana dispensary. "Medical marijuana dispensary" is hereby defined as any person, business, corporation, partnership, joint venture, organization, association and/or other entity which: 1) sells, provides and/or otherwise dispenses marijuana to more than one "qualifying

patient” in any sixty (60) day period or to any person who does not meet the definition of “qualifying patient” under the terms of Chapter 69.51A RCW , and/or 2) maintains and/or possesses more than one sixty-day supply of marijuana for one qualifying patient at any time. The receipt of cash or other legal tender in exchange for, contemporaneously with or immediately following the delivery of marijuana to a qualifying patient shall be presumed to be a sale. Any person, business, corporation, partnership, joint venture, organization, association and/ or entity which sells, provides and/or otherwise dispenses marijuana to more than one qualifying patient in any sixty (60) day period should be presumed to be a “medical marijuana dispensary.”

Section 2. Medical marijuana dispensaries are hereby designated as prohibited uses in the City of Granite Falls, in accordance with the provisions of RCW 35A.82.020 and GFMC 3.08.060, GFMC Chapter 5.02, and/or GFMC Chapter 5.30, and no business license shall be issued to be a medical marijuana dispensary, which is hereby defined to be both prohibited use under the ordinances under the City of Granite Falls, and an activity which does not comply with the general laws of the state of Washington.

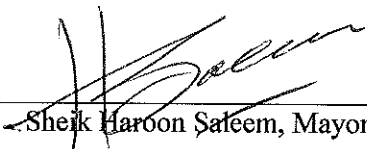
Section 3. This ordinance shall be referred to the Granite Falls Planning Commission for its review and recommendation for inclusion in the zoning ordinances of the City of Granite Falls.

Section 4. Ordinance to be Transmitted to Department. Pursuant to RCW 36.70A.106, a copy of this interim ordinance shall be transmitted to the Washington State Department of Commerce.

Section 5. Effective Date. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title, PROVIDED, HOWEVER, that unless extended by the act of the Granite Falls City Council, this ordinance shall expire six (6) months following its effective date.

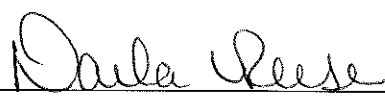
CITY OF GRANITE FALLS

By: \_\_\_\_\_

  
Sheikh Haroon Saleem, Mayor

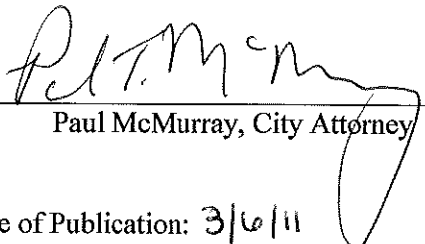
ATTEST/AUTHENTICATED:

By: \_\_\_\_\_

  
Darla Reese, City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_

  
Paul McMurray, City Attorney

Date of Publication: 3/6/11

Effective Date: 3/11/11