

CITY OF SULTAN
WASHINGTON
ORDINANCE NO. 1287-18

AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON, AN ORDINANCE IMPOSING AN INTEREM OFFICIAL CONTROL REGARDING THE PROHIBITION OF COMMUNITY HEALTH ENGAGEMENT LOCATIONS, SAFE INJECTION SITES, AND OTHER USES OR ACTIVITIES DESIGNATED TO PROVIDE A LOCATION FOR INDIVIDUALS TO CONSUME ILLICIT DRUGS BY ADOPTING SMC 16.10.040; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in March 2016, King County and the cities of Seattle, Renton, and Auburn convened a Heroin and Opioid Addiction Task Force; and

WHEREAS, in September 2016, the Heroin and Opioid Addiction Task Force released a report with recommendations to prevent opioid addiction and improve opioid use disorder outcomes in King County; and

WHEREAS, one of the recommendations of the Heroin and Opioid Addiction Task Force was to establish, on a pilot program basis, at least two sites for supervised opioid consumption in King County; and

WHEREAS, in response, Snohomish County took action on September 25, 2017 by adopting Emergency Ordinance 17-081, which enacted new regulations to prohibit new supervised drug consumption facilities from locating or establishing such use in unincorporated Snohomish County while regulations at the County level were more closely considered, for a time of six months, with the option to extend; and

WHEREAS, Snohomish County Emergency Ordinance 17-081 further determined it was in the best interests of Snohomish County to prohibit supervised drug facilities pending further study; that Emergency Ordinance 17-081 was necessary for the immediate preservation of the public peace, health or safety; and that Emergency Ordinance 17-081 was consistent with the Snohomish County Comprehensive Plan and the Growth Management Act (“GMA”); and

WHEREAS, in order to respond to this rapidly emerging policy issue, the City Council expressed a strong preference for prohibiting uses and activities such as safe injection sites and medically supervised injection centers (together “MSIC”), which are established for individuals to consume illicit drugs intravenously, in the City of Sultan; and

WHEREAS, on January 11, 2018, the City of Sultan adopted Interim Official Control Ordinance No. 1285-18, which adopted SMC 16.10.040, prohibiting MSIC citywide; and

WHEREAS, pursuant to RCW 36.70A.106, the City submitted notice of intent to adopt regulations and a request for expedited review to the Washington State Department of Commerce (“Commerce”) on January 24, 2018; and

WHEREAS, the City Council duly held the public hearing on January 22, 2018, as required by the Growth Management Act (“GMA”) to keep the Interim Official Control in effect for a period of six months and in order to adopt the Interim Official Control as a permanent regulation; and

WHEREAS, residents and business owners within the City continue to express concerns about negative impacts to communities resulting from MSICs; and

WHEREAS, expedited review was granted by Commerce on February 8, 2018 and the City was deemed to have met the GMA notice to state agency requirements in RCW 36.70A.106 for the prohibition on MSICs; and

WHEREAS, pursuant to WAC 197-11-880, the adoption of this ordinance is categorically exempt from the requirements for a threshold determination under the State Environmental Policy Act (“SEPA”); and

WHEREAS, the City believes the proposed interim control will promote the public health, safety, morals, and general welfare, and it is consistent with the goals and policies of the City of Sultan’s Comprehensive Plan;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. SMC 16.10.040 (Use Prohibited in all Zoning Districts), Adopted. A new section is added to Chapter 16.10 of the Sultan Municipal Code to read:

16.10.040 Use Prohibited in all Zoning Districts

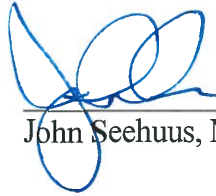
Medically Supervised Injection Centers (“MSIC”) designed to provide an hygienic environment where individuals are able to consume illicit drugs intravenously are prohibited in all Zoning Districts in the City. An MSIC includes all uses established or activities undertaken for the above-defined purpose, irrespective of how the use or activity is described. A MSIC may also be referred to as a community health engagement location, supervised injection site or facility, safe injection site, fix room, or drug consumption facility.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings Board, or 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. Provided, however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as if this ordinance had never been adopted.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 22nd DAY OF FEBRUARY, 2018.

CITY OF SULTAN



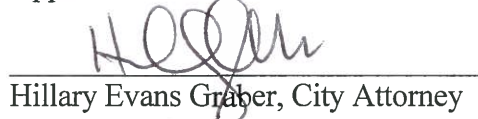
John Seehuus, Mayor

ATTEST/AUTHENTICATED:



Laura Koenig, City Clerk

Approved as to form:



Hillary Evans Graber, City Attorney

Date of Publication: 2-26-2018

Effective Date: 3-3-2018