ORDINANCE NO. 4261

AN ORDINANCE of the City Council of the City of Kent, Washington, permanently adopting section 15.08.550 of the Kent City Code, prohibiting in all zoning districts the establishment of community health engagement locations, safe injection sites, and other uses or activities designed to provide a location for individuals to consume illicit drugs.

RECITALS

A. Heroin and opioid use are at crisis levels in King County. In 2015, 229 individuals died from heroin and prescription opioid overdose in King County.

B. In September 2016, the Heroin and Opioid Addiction Task Force convened by King County and Seattle recommended a comprehensive strategy focusing on prevention and increasing access to addiction treatment on demand.

C. In January 2017, the King County Executive and Seattle Mayor announced they would move forward on the complete set of recommendations including the establishment of facilities referred to as community health engagement locations (also known as safe injection sites or safe consumption sites).
D. In addition to providing a hygienic space for consumption of illicit drugs, Community Health Engagement Locations provide drug users with access to healthcare, addiction treatment options, and other community health services.

E. The City of Kent recognizes that research exists that evaluates the efficacy of community health engagement locations throughout the world in countries including Germany, Switzerland, the Netherlands, and Spain; findings suggest that community health engagement locations may contribute to a reduction in overdose deaths, reduced HIV risk behavior, reduction in injection-related litter and public injecting, and increased uptake of treatment services. However, under state and federal law it remains illegal to possess controlled substances without a prescription or to operate a place intended for the illicit use of controlled substances.

F. Community health engagement locations or similar sites inherently attract criminal activity as the drugs consumed at those sites are themselves illegal, and locating sites in the City of Kent may attract additional criminal activity such as drug trafficking, burglary, and theft.

G. In June 2017, the King County Council voted to limit establishment of community health engagement locations (safe injection sites) only to cities whose elected leaders choose to locate these facilities in their communities.

H. On August 15, 2017, Kent City Council adopted a 6-month land use moratorium and interim official control prohibiting community health engagement locations, safe injection sites, and other uses or activities designed to provide a location for individuals to consume illicit drugs.
I. In response to this rapidly evolving policy issue, the Kent City Council will continue to prohibit uses and activities in the City of Kent that are established and designed to provide a location for individuals to engage in illegal acts.

J. The City Council adopts the foregoing as findings of fact establishing the need to permanently prohibit community health engagement locations in the City of Kent in order to protect the public health, safety, and welfare of its residents.

K. On September 5, 2017, Kent City Council held a public hearing to hear comments from the public regarding the 6-month moratorium prohibiting Community Health Engagement Locations in all zoning districts, and more generally on the location of Community Health Engagement Locations in Kent.

L. On September 9, 2017, the city requested expedited review from the State of Washington under RCW 36.70A.106 for the city’s proposed amendments to KCC. The expedited review was granted on October 5, 2017.

M. On October 6, 2017, the city’s SEPA responsible official issued a Determination of Nonsignificance for the code amendment.

N. The land use and planning board held two workshops to discuss these code amendments on September 25, 2017, and October 9, 2017. After appropriate public notice, the board held a public hearing on October 23, 2017, to consider the proposed code amendments and forwarded their recommendation to the city council.
On November 13, 2017, the economic and community development committee considered the recommendation of the board and made a recommendation to the full city council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. - New Section. Chapter 15.08 of the Kent City Code, entitled "General and Supplementary Provisions", is hereby permanently amended to add a new section 15.08.550, entitled "Use prohibited in all zoning districts," to read as follows:

Section 15.08.550 Use prohibited in all zoning districts. Community Health Engagement Locations (CHELs) designed to provide a hygienic environment where individuals are able to consume illegal or illicit drugs intravenously or by any other means are prohibited in all zoning districts in the city. A CHEL includes all uses established or activities undertaken for the above-defined purpose, irrespective of how the use or activity is described. A CHEL may also be referred to as a medically supervised injection center, supervised injection site or facility, safe injection site, fix room, or drug consumption facility.

SECTION 2. - Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 3. - Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the...
correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

**SECTION 4. - Effective Date.** This ordinance shall take effect and be in force thirty 30 days from and after its passage, as provided by law.

**ATTEST:**

**KIMBERLEY A. KOMOTO, CITY CLERK**

**APPROVED AS TO FORM:**

**TOM BRUBAKER, CITY ATTORNEY**
STATE OF WASHINGTON, COUNTY OF KING
AFFIDAVIT OF PUBLICATION

PUBLIC NOTICE
Linda M Mills, being first duly sworn on oath that she is the Legal Advertising Representative of the

Kent Reporter

a weekly newspaper, which newspaper is a legal newspaper of general circulation and is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a weekly newspaper in King County, Washington. The Kent Reporter has been approved as a Legal Newspaper by order of the Superior Court of the State of Washington for King County.

The notice in the exact form annexed was published in regular issues of the Kent Reporter (and not in supplement form) which was regularly distributed to its subscribers during the below stated period. The annexed notice, a:

Public Notice

was published on December 1, 2017.

The full amount of the fee charged for said foregoing publication is the sum of $217.69.

Signed
Linda Mills
Legal Advertising Representative, Kent Reporter
Subscribed and sworn to me this 1st day of December, 2017.


CITY OF KENT
NOTICE OF ORDINANCES
AND RESOLUTIONS
PASSED BY THE CITY
COUNCIL

The following is a summary of the ordinances and resolutions adopted by the Kent City Council on November 21, 2017:

ORDINANCE NO. 4257 - AN ORDINANCE of the City Council of the City of Kent, Washington, amending Chapters 3.21, 12.01, 12.04, 15.02, 15.03, 15.04, 15.08, and 15.09 of the Kent City Code pertaining to development regulations as part of the City's annual docket process. This ordinance shall take effect and be in force 30 days from and after its passage, as provided by law.

ORDINANCE NO. 4258 - AN ORDINANCE of the City Council of the City of Kent, Washington, approving the consolidating budget adjustments made between July 1, 2017 and September 30, 2017, reflecting an overall budget increase of $3,117,760. This ordinance shall take effect and be in force five days from and after its publication, as provided by law.

ORDINANCE NO. 4259 - AN ORDINANCE of the City Council of the City of Kent, Washington, authorizing the issuance of combined utility system revenue refunding bonds in the aggregate principal amount of not to exceed $16,000,000 for the purpose of refunding, on a crossover basis, a portion of the City's combined utility system revenue bonds series 2009B taxable (Build America Bonds - Direct Payment), providing the form, terms and covenants of the bonds; delegating certain authority to approve the final terms of the bonds; and authorizing other matters related thereto. This ordinance shall take effect 30 days after its passage as provided by law.

ORDINANCE NO. 4260 - AN ORDINANCE of the City Council of the City of Kent, Washington, amending Section 3.28.050 of the Kent City Code, entitled “Imposition of the tax – Tax or fee levied,” and Section 3.28.130 of the Kent City Code, entitled “Limitation of revenue received,” to increase the square footage tax. This ordinance shall take effect and be in force 30 days from and after its passage, as provided by law.

ORDINANCE NO. 4261 - AN ORDINANCE of the City Council of the City of Kent, Washington, permanently adopting section 15.08.550 of the Kent City Code, prohibiting in all zoning districts the establishment of community health engagement locations, safe injection sites, and other uses or activities designed to provide a location for individuals to consume illicit drugs. This ordinance shall take effect and be in force thirty 30 days from and after its passage, as provided by law.

RESOLUTION NO. 1951 - A RESOLUTION of the City Council of the City of Kent, Washington, renaming South 238th Street to Oberto Drive, commemorating Oberto's contribution to the City and its 100 year anniversary. This resolution shall take effect and be in force immediately upon its passage.

A copy of the complete text of any ordinance or resolution will be mailed upon request of the City Clerk.

Kimberley A. Komoto,
City Clerk
Published in Kent Reporter on December 1, 2017. #2009576.