

POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2013-02

SUBJECT: Adopting by Reference RCW69.50.455 Civil Infraction - Marijuana

CONFORM AS TO DATES & SIGNATURES

- (X) Filed with the City Clerk: 02/25/2013
- (X) Passed by the City Council: 03/06/2013
- (X) Signature of Mayor
- (X) Signature of City Clerk
- (X) Publication: 03/15/2013
- (X) Effective: 03/20/2013
- () Recorded: N/A

DISTRIBUTED COPIES AS FOLLOWS:

- (X) NK Herald: Emailed by jb
- (X) Code Publishing
- () City Attorney
- () Civil Service Commission and/or Sec/Chief Examiner
- () Clerk's Department:
- () City Council
- () Finance:
- (X) Posted to Library Drive and Website

Jill A. Boltz
City Clerk

March 11, 2013
Date

ORDINANCE NO. 2013-02

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADOPTING RCW 69.50.445 MAKING IT A CLASS 3 CIVIL INFRACTION TO OPEN A PACKAGE CONTAINING MARIJUANA, USEABLE MARIJUANA, OR MARIJUANA-INFUSED PRODUCTS, OR TO CONSUME MARIJUANA, USEABLE MARIJUANA, OR MARIJUANA-INFUSED PRODUCTS IN VIEW OF THE GENERAL PUBLIC; AMENDING PMC 9.20.100 TO INCORPORATE RCW 69.50.445 BY REFERENCE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, RCW 69.50.445 was added to state law by the passage of Initiative 502 by Washington voters in November 2012; and

WHEREAS, RCW 69.50.445 makes it a Class 3 civil infraction to open a package containing marijuana, useable marijuana, or marijuana-infused products or to consume marijuana, useable marijuana, or marijuana-infused products in view of the general public; and

WHEREAS, in order to enable Poulsbo police officers to cite violators of RCW 69.50.445 through the Poulsbo Municipal Court, the City must adopt the RCW by reference; now, therefore,

THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Adoption of RCW. RCW 69.50.445, as the same now exists or as the same may be amended in the future, is hereby adopted by reference by the City of Poulsbo and PMC 9.20.100 is hereby amended to read as follows:

9.20.100 Offenses and penalties - Statutes adopted by reference.

Pursuant to the authority contained in RCW 35A.12.140, the following sections of Chapter 69.50 RCW as enacted or hereafter amended are hereby adopted by reference as if fully set forth herein, including penalties:

RCW

- 69.50.4014 Possession of forty grams or less of marijuana - Penalty
- 69.50.404 Penalties under other laws
- 69.50.407 Conspiracy

- 69.50.408 Second or subsequent offense
- 69.50.412 Prohibited acts: E - Penalties (includes drug paraphernalia)
- 69.50.4121 Drug paraphernalia - Selling or giving - Penalty
- 69.50.420 Violations - Juvenile driving privileges
- 69.50.425 Misdemeanor violations - Minimum penalties
- 69.50.435 Violations committed in or on certain public places or facilities - Additional penalty - Defenses - Construction - Definitions.
- 69.50.445 Opening or consuming package containing marijuana, useable marijuana, or marijuana-infused product in view of general public - Penalty

Section 2. Copy to be Kept on File. Pursuant to RCW 35A.12.140, a copy of RCW 69.50.445, in the form in which it exists at the time this ordinance is adopted, shall be attached to this ordinance kept on file in the office of the City Clerk.

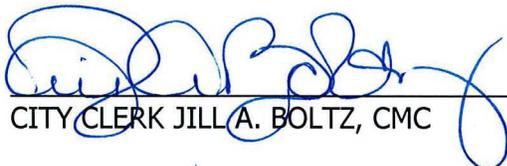
Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall take effect five (5) days after publication of the attached summary, which is hereby approved.

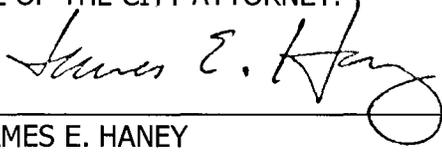
APPROVED:


MAYOR REBECCA ERICKSON

ATTEST/AUTHENTICATED:


CITY CLERK JILL A. BOLTZ, CMC

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 

JAMES E. HANEY

FILED WITH THE CITY CLERK: 02/25/2013
PASSED BY THE CITY COUNCIL: 03/06/2013
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SUMMARY OF ORDINANCE NO. 2013-02

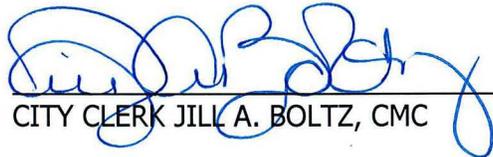
of the City of Poulsbo, Washington

On the 6th day of March, 2013, the City Council of the City of Poulsbo, passed Ordinance No. 2013-02. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADOPTING RCW 69.50.445 MAKING IT A CLASS 3 CIVIL INFRACTION TO OPEN A PACKAGE CONTAINING MARIJUANA, USEABLE MARIJUANA, OR MARIJUANA-INFUSED PRODUCTS, OR TO CONSUME MARIJUANA, USEABLE MARIJUANA, OR MARIJUANA-INFUSED PRODUCTS IN VIEW OF THE GENERAL PUBLIC; AMENDING PMC 9.20.100 TO INCORPORATE RCW 69.50.445 BY REFERENCE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 11th day of March, 2013.


CITY CLERK JILL A. BOLTZ, CMC

RCW 69.50.445

Opening or consuming package containing marijuana, useable marijuana, or marijuana-infused product in view of general public — Penalty.

It is unlawful to open a package containing marijuana, useable marijuana, or a marijuana-infused product, or consume marijuana, useable marijuana, or a marijuana-infused product, in view of the general public. A person who violates this section is guilty of a class 3 civil infraction under chapter 7.80 RCW.

[2013 c 3 § 21 (Initiative Measure No. 502, approved November 6, 2012).]

Notes:

Intent -- 2013 c 3 (Initiative Measure No. 502): See note following RCW 69.50.101.

Attachment to City of Poulsbo
Ordinance No. 2013-02