

POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2007-33

SUBJECT: Amend PMC Chapter 9.20, Controlled Substances

CONFORM AS TO DATES & SIGNATURES

- (X) Filed with the City Clerk: 9/24/2007
- (X) Passed by the City Council: 10/3/2007
- (X) Signature of Mayor
- (X) Signature of City Clerk
- (X) Publication: 10/~~17~~²⁰/2007
- (X) Effective: 10/~~22~~²⁵/2007

DISTRIBUTED COPIES AS FOLLOWS: email all departments

- (K) NK Herald: Emailed by kj 10/5/2007
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- (K) Code Publishing - via email if in electronic format
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City Clerk *kj*

10-5-2007
Date

ORDINANCE NO. 2007-33

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, RELATING TO CONTROLLED SUBSTANCES, PARAPHERNALIA, POISONS AND TOXIC FUMES; AMENDING CHAPTER 9.20 TO BE KNOWN AS CHAPTER 9.20 CONTROLLED SUBSTANCES, PARAPHERNALIA, POISONS AND TOXIC FUMES; ADOPTING BY REFERENCE VARIOUS SECTIONS OF TITLES 9 AND 69 OF THE REVISED CODE OF WASHINGTON IN ORDER TO ESTABLISH CRIMES DESIGNATED BY THE STATE AS MISDEMEANORS AND GROSS MISDEMEANORS AS CRIMINAL OFFENSES UNDER THE CITY'S MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Poulsbo is concerned about the safety and welfare of its citizens; Now, Therefore,

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

Section 1. Chapter 9.20 of the Poulsbo Municipal Code is hereby amended to be read as follows: Chapter 9.20 Controlled Substances, Paraphernalia, Poisons and Toxic Fumes.

Section 2. PMC 9.20.010 and Ordinance 2004-11 Section 2 are hereby amended to read as follows:

9.20.010 Inhaling toxic fumes - statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 9.47A RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 9.47A.010 Definition
- 9.47A.020 Unlawful inhalation – exception
- 9.47A.030 Possession of certain substances prohibited, when
- 9.47A.040 Sale of certain substances prohibited, when
- 9.47A.050 Penalty

Section 3. PMC 9.20.020 and Ordinance 97-33 Section 1 are hereby amended to read as follows:

9.20.020 Poisons - statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 69.38 and 69.40 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 69.38.010 "Poison" defined
- 69.38.020 Exceptions from chapter
- 69.38.030 Poison register – identification of purchaser
- 69.38.040 Poison register – penalty for failure to maintain register
- 69.38.050 False representations – penalty
- 69.38.060 Manufacturers and sellers of poisons – license required – penalty
- 69.40.055 Selling repackaged poison without labeling – penalty

Section 4. PMC 9.20.030 and Ordinance 97-33 Section 1 are hereby amended to read as follows:

9.20.030 Legend drugs – prescription drugs - statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 69.41 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 69.41.010 Definitions
- 69.41.020 Prohibited acts – information not privileged communication
- 69.41.030 Sale, deliver, or possession of legend drug without prescription or order prohibited – exceptions – penalty
- 69.41.032 Prescription of legend drugs by dialysis programs
- 69.41.050 Labeling requirements – penalty
- 69.41.060 Search and seizure
- 69.41.062 Search and seizure at rental premises – notification of landlord
- 69.41.065 Violations – juvenile driving privileges
- 69.41.072 Violations of Chapter 69.50 RCW not to be charged under Chapter 69.41 RCW – exception

Section 5. PMC 9.20.040 and Ordinance 97-33 Section 1 are hereby amended to read as follows:

9.20.040 Substitution of prescription drugs - statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 69.41 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 69.41.110 Definitions
- 69.41.170 Coercion of pharmacist prohibited

Section 6. A new section is added to Chapter 9.20 of the Poulsbo Municipal Code to read as follows

9.20.050 Use of steroids - statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 69.41 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 69.41.300 Definitions
- 69.41.320 Practitioners – restricted use
- 69.41.340 Student athletes – violations – penalty
- 69.41.350 Penalties

Section 7. A new section is added to Chapter 9.20 of the Poulsbo Municipal Code to read as follows:

9.20.060 Precursor drugs - statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 69.43 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 69.43.010 Report to state board of pharmacy – list of substances
- 69.43.020 Receipt of substance from source outside of state
- 69.43.030 Exemptions
- 69.43.035 Suspicious transactions – report – penalty
- 69.43.040 Reporting form
- 69.43.043 Recordkeeping requirements – penalty
- 69.43.048 Reporting and recordkeeping requirements
- 69.43.090 Permit to sell, transfer, furnish, or receive substance – exemptions – application for permit – fee – renewal – penalty
- 69.43.105 Ephedrine, pseudoephedrine, phenylpropanolamine - sales restrictions -- exceptions -- penalty
- 69.43.110 Ephedrine, pseudoephedrine, phenylpropanolamine - sales restrictions - penalty
- 69.43.120 Ephedrine, pseudoephedrine, phenylpropanolamine – possession of more than fifteen grams – penalty – exceptions
- 69.43.130 Exemptions – pediatric products
- 69.43.170 Ephedrine, pseudoephedrine, phenylpropanolamine – pilot project to record retail transactions - penalty

Section 8. A new section is added to Chapter 9.20 of the Poulsbo Municipal Code to read as follows

9.20.070 Uniform controlled substances act - 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 hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 69.50.101 Definitions
- 69.50.102 Drug paraphernalia – definitions

Section 9. A new section is added to Chapter 9.20 of the Poulsbo Municipal Code to read as follows

9.20.080 Standards and schedules - 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 hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 69.50.202 Nomenclature
- 69.50.204 Schedule I
- 69.50.206 Schedule II
- 69.50.208 Schedule III
- 69.50.210 Schedule IV
- 69.50.212 Schedule V

Section 10. A new section is added to Chapter 9.20 of the Poulsbo Municipal Code to read as follows

9.20.090 Regulation of manufacture, distribution and dispensing of controlled substances - 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 hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 69.50.302 Registration requirements
- 69.50.308 Prescriptions
- 69.50.309 Containers

Section 11. A new section is added to Chapter 9.20 of the Poulsbo Municipal Code 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 hereinafter 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 offenses
- 69.50.412 Prohibited acts: E-penalties (includes drug paraphernalia)
- 69.50.420 Violations – juvenile driving privileges
- 69.50.4121 Drug paraphernalia – selling or giving
- 69.50.425 Misdemeanor violations – minimum penalties
- 69.50.435 Violations committed in or on certain public places or facilities – additional penalty – defenses – constructions – definitions

Section 12. A new section is added to Chapter 9.20 of the Poulsbo Municipal Code to read as follows

9.20.110 Enforcement and administrative provisions - 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 hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 69.50.505 Seizure and forfeiture
- 69.50.506 Burden of proof; liabilities
- 69.50.509 Search and seizure of controlled substances
- 69.50.510 Search and seizure at rental premises – notification of landlord

Section 13. A new section is added to Chapter 9.20 of the Poulsbo Municipal Code to read as follows:

9.20.120 Medical marijuana - statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 69.51A RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 69.51A.010 Definitions
- 69.51A.030 Physicians excepted from state’s criminal laws
- 69.51A.040 Qualifying patients’ affirmative defense
- 69.51A.050 Medical marijuana, lawful possession-state not liable
- 69.51A.060 Crimes-limitations of chapter

Section 14. A new section is added to Chapter 9.20 of the Poulsbo Municipal Code to read as follows:

9.20.130 Imitation controlled substances - statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 69.52 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

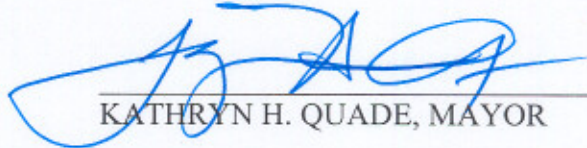
RCW
69.52.020 Definitions
69.52.040 Seizure of contraband

Section 15. Severability

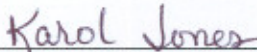
If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 16. Effective Date: This ordinance shall take effect and be in full force five (5) days after the publication of the attached summary, which is hereby approved.

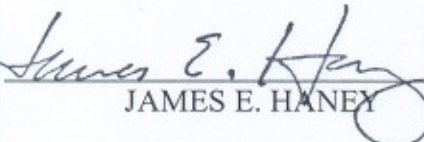
APPROVED:


KATHRYN H. QUADE, MAYOR

ATTEST/AUTHENTICATED:


CITY CLERK KAROL JONES, CMC

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
JAMES E. HANEY

FILED WITH THE CITY CLERK: 9/24/2007
PASSED BY THE CITY COUNCIL: 10/3/2007
PUBLISHED: 10/20/2007
EFFECTIVE DATE: 10/25/2007
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SUMMARY OF ORDINANCE NO. 2007-33

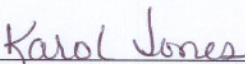
of the City of Poulsbo, Washington

On the 3rd day of October, 2007, the City Council of the City of Poulsbo, passed Ordinance No. 2007-33. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, RELATING TO CONTROLLED SUBSTANCES, PARAPHERNALIA, POISONS AND TOXIC FUMES; AMENDING CHAPTER 9.20 TO BE KNOWN AS CHAPTER 9.20 CONTROLLED SUBSTANCES, PARAPHERNALIA, POISONS AND TOXIC FUMES; ADOPTING BY REFERENCE VARIOUS SECTIONS OF TITLES 9 AND 69 OF THE REVISED CODE OF WASHINGTON IN ORDER TO ESTABLISH CRIMES DESIGNATED BY THE STATE AS MISDEMEANORS AND GROSS MISDEMEANORS AS CRIMINAL OFFENSES UNDER THE CITY'S MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE

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

DATED this 5th day of October, 2007.



CITY CLERK KAROL JONES, CMC