

POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2023-06

SUBJECT: Adopting Drug Possession Laws

CONFORM AS TO DATES & SIGNATURES

- Filed with the City Clerk: 06/27/2023
- Passed by the City Council: 07/12/2023
- Signature of Mayor
- Signature of City Clerk
- Publication: 07/17/2023
- Effective: 07/22/2023
- Recorded: _____

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Kati Diehl
Deputy City Clerk

07/13/2023
Date

ORDINANCE NO. 2023-06

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING SECTIONS 9.20.090, 9.20.100, AND 9.20.110 OF THE POULSBO MUNICIPAL CODE (PMC) TO ADOPT ADDITIONAL STATE STATUTES BY REFERENCE AND TO MAKE THE CITY'S CODE RELATING TO DRUG POSSESSION AND USE CONSISTENT WITH CHAPTER 1, LAWS OF 2023, 1ST SPECIAL SESSION.

WHEREAS, Article XI Section 11 of the Washington State Constitution authorizes cities to establish such crimes as necessary to protect the public safety, health, and welfare, so long as said crimes do not conflict with state law; and

WHEREAS, pursuant to RCW 35A.11.020, the Washington state legislature has authorized code cities such as Poulsbo to adopt and enforce misdemeanors and gross misdemeanors as appropriate to good government of the City; and

WHEREAS, in response to the Washington Supreme Court's decision in *State v. Blake*, 197 Wn.2d. 170, 481 P.3d 521 (2021), the legislature adopted Chapter 311, Laws of 2021, which provided a temporary correction to state laws relating to the knowing possession of a controlled substance; and

WHEREAS, the temporary correction provided by Chapter 311, Laws of 2021 is scheduled to expire July 1, 2023; and

WHEREAS, in response to the pending expiration, the legislature adopted Chapter 1, Laws of 2023, 1st Special Session, making permanent changes in the state laws relating to the possession and use of controlled substances, which the City has adopted in Chapter 9.20 PMC; and

WHEREAS, the City's police chief, mayor, and prosecuting attorney have recommended that the City amend its current codes to adopt the changes made by the state legislature and to allow the enforcement of those laws through the City's municipal court; and

WHEREAS, the City Council concurs with the recommendations provided.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON,
DOES ORDAIN AS FOLLOWS:**

Section 1. **PMC 9.20.090 Amended.** PMC 9.20.090 is hereby amended 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

69.50.315 Medical assistance – Drug-related overdose
 Prosecution for possession.

Section 2. **PMC 9.20.100 Amended.** 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

69.50.401 Prohibited Acts: A – Penalties.

69.50.4011 Counterfeit substances—Penalties.

69.50.4013 Possession of controlled substance—Penalty—
Possession of useable ~~marijuana~~ cannabis, ~~marijuana~~
cannabis concentrates, or ~~marijuana~~ cannabis-
infused products—~~Penalty~~ Delivery.

69.50.4014 Possession of forty grams or less of ~~marijuana~~
cannabis—Penalty.

69.50.4016 Provisions not applicable to offenses under
RCW 69.50.410.

69.50.404 Penalties under other laws.

69.50.405 Bar to prosecution.

69.50.407 Conspiracy.

69.50.408 Second or subsequent offenses.

69.50.412 Prohibited acts: E—Penalties.

69.40.4121 Drug paraphernalia—~~Selling or giving~~—Penalty.

69.50.420 Violations—Juvenile driving privileges.

69.50.435 Violations committed in or on certain public
facilities—Additional Penalty—Defenses—
Construction—Definitions.

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

69.50.450 Butane or other explosive gases.

Section 9, Chapter 1, Laws of 2023, 1st Special Session, relating to
pretrial diversion.

Section 10, Chapter 1, Laws of 2023, 1st Special Session, relating to sentencing of individuals violating RCW 69.50.4011(1)(b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2).

Section 11, Chapter 1, Laws of 2023, 1st Special Session, relating to RCW 9.96.060.

Section 3. PMC 9.20.110 Amended. PMC 9.20.110 is hereby amended to read as follows:

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
- 69.50.515 Pharmacies – Cannabis – Notification and disposal.
- 69.50.560 Controlled purchase programs – Persons under age twenty-one – Violation – Criminal penalty – Exceptions.
- 69.50.575 Cannabis health and beauty aids.

Section 4. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 5. Effective Date. This ordinance shall take effect and be in full force five (5) days from its passage and publication as required by law.

APPROVED:

DocuSigned by:

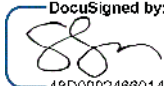
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MAYOR, REBECCA ERICKSON

ATTEST/AUTHENTICATED:

DocuSigned by:

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CITY CLERK, RHIANNON FERNANDEZ

APPROVED AS TO FORM:
OFFICE OF CITY ATTORNEY:

BY: 
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FILED WITH THE CITY CLERK: 06/27/2023
PASSED BY THE CITY COUNCIL: 07/12/2023
PUBLISHED: 07/17/2023
EFFECTIVE DATE: 07/22/2023
ORDINANCE NO. 2023-06


SUMMARY OF ORDINANCE NO. 2023-06
of the City of Poulsbo, Washington

On the 12th day of July, 2023, the City Council of the City of Poulsbo, passed Ordinance No. 2023-06. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING SECTIONS 9.20.090, 9.20.100, AND 9.20.110 OF THE POULSBO MUNICIPAL CODE (PMC) TO ADOPT ADDITIONAL STATE STATUTES BY REFERENCE AND TO MAKE THE CITY'S CODE RELATING TO DRUG POSSESSION AND USE CONSISTENT WITH CHAPTER 1, LAWS OF 2023, 1ST SPECIAL SESSION.

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

DATED this 12th day of July, 2023.

DocuSigned by:

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CITY CLERK, RHIANNON FERNANDEZ

City of Poulsbo

Office of the City Clerk



MEMORANDUM

DATE: September 18, 2023

TO: Code Publishing

FROM: Deputy City Clerk Kati Diehl

SUBJECT: Correction to Ordinance No. 2023-06 – Adopting Drug Possession Laws

On July 12, 2023, the City Council passed Ordinance No. 2023-06 Adopting Drug Possession Laws. It has been brought to our attention the ordinance contained a scrivener's error. After review by our city attorney, it has been requested it be treated as such and does not require further City Council consideration. This ordinance was uploaded to your website on July 13, 2023.

The original ordinance stated:

Section 2. PMC 9.20.100 Amended. 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

69.50.401 Prohibited Acts: A – Penalties.

69.50.4011 Counterfeit substances—Penalties.

69.50.4013 Possession of controlled substance—Penalty—Possession of useable ~~marijuana~~ cannabis, ~~marijuana~~ cannabis concentrates, or ~~marijuana~~ cannabis-infused products—~~Penalty~~ Delivery.

- 69.50.4014 Possession of forty grams or less of ~~marijuana cannabis~~—
Penalty.
- ~~69.50.4016 Provisions not applicable to offenses under RCW 69.50.410.~~
- 69.50.404 Penalties under other laws.
- ~~69.50.405 Bar to prosecution.~~
- 69.50.407 Conspiracy.
- 69.50.408 Second or subsequent offenses.
- 69.50.412 Prohibited acts: E—Penalties.
- 69.40.4121** Drug paraphernalia—~~Selling or giving~~—Penalty.
- 69.50.420 Violations—Juvenile driving privileges.
- 69.50.435 Violations committed in or on certain public facilities—
Additional Penalty—Defenses—Construction—Definitions.
- 69.50.445 Opening or consuming package containing ~~marijuana
cannabis~~, useable ~~marijuana cannabis~~, or ~~marijuana
cannabis~~-infused product in view of general public—Penalty.
- ~~69.50.450 Butane or other explosive gases.~~
Section 9, Chapter 1, Laws of 2023, 1st Special Session, relating to
pretrial diversion.
Section 10, Chapter 1, Laws of 2023, 1st Special Session, relating to
sentencing of individuals violating RCW 69.50.4011(1)(b) or (c),
69.50.4013, 69.50.4014, or 69.41.030(2).
Section 11, Chapter 1, Laws of 2023, 1st Special Session, relating to
RCW 9.96.060.

The reference to RCW:

69.40.4121 Drug paraphernalia—~~Selling or giving~~—Penalty.

is incorrect; the correct reference should be:

69.50.4121 Drug paraphernalia—~~Selling or giving~~—Penalty.

Given that the above -referenced correction is administrative in nature, please make the correction to our municipal code.

Respectfully submitted,

Kati Diehl

Kati Diehl
Deputy City Clerk