

CITY OF ROSLYN

WASHINGTON

ORDINANCE NO. 1108

**AN ORDINANCE OF THE CITY OF ROSLYN,
WASHINGTON, AMENDING ROSLYN MUNICIPAL CODE
CHAPTER 9.10 RELATING TO MARIJUANA
POSSESSION AND DRUG PARAPHERNALIA;
REPEALING SECTION 9.10.020 RELATING TO
POSSESSION OF MARIJUANA; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE
DATE**

WHEREAS, on November 6, 2012, Initiative 502 was passed by the voters of the State of Washington, legalizing the possession and use of marijuana and providing a framework under which marijuana producers, processors, and retailers can become licensed by the State of Washington; and

WHEREAS, the possession and use of drug paraphernalia has been and continues to be a violation of federal law and state law, through the Controlled Substances Act ("CSA"), with the exception of drug paraphernalia legalized pursuant to Initiative 502; and

WHEREAS, the City Council desires to amend the municipal code to be consistent with state law by removing the references to marijuana possession and marijuana drug paraphernalia;

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

Section 1. Roslyn Municipal Code Chapter 9.10, Amended. RMC Chapter 9.10 is hereby amended to read as follows:

**Chapter 9.10
DRUG PARAPHERNALIA**

Sections:

9.10.010 Definitions.

9.10.020 Drug paraphernalia.

9.10.030 Penalties.

9.10.010 Definitions.

As used in this chapter, the terms set forth in RCW 69.50.102 shall have the meanings set forth in those sections as now enacted or as may hereafter be amended by the Legislature. [Ord. 772 § 1, 1994.]

9.10.020 Drug paraphernalia.

A. Use of Drug Paraphernalia. It is unlawful for any person to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance other than marijuana. Any person who violates this subsection is guilty of a misdemeanor.

B. Delivery of Drug Paraphernalia. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance other than marijuana. Any person who violates this subsection is guilty of a misdemeanor. [Ord. 782 § 1, 1994; Ord. 772 § 1, 1994.]

9.10.030 Penalties.

A person who is convicted of a misdemeanor or violates any provision of this Chapter shall be punished by imprisonment for not less than 24 consecutive hours, and by a fine of not less than \$250.00. On a second or subsequent conviction, the fine shall not be less than \$500.00. These fines shall be in addition to any other fine or penalty imposed. Unless the court finds that the imposition of the minimum imprisonment will pose a substantial risk to defendant's physical or mental well-being or that local jail facilities are in an overcrowded condition, the minimum term of imprisonment shall not be suspended or deferred. If the court finds such risk or overcrowding exists, it shall sentence the defendant to a minimum of 40 hours of community restitution. If a minimum term of imprisonment is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. Unless the court finds the person to be indigent, the minimum fine shall not be suspended or deferred. [Ord. 772 § 1, 1994.]

Section 2. 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 pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

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.

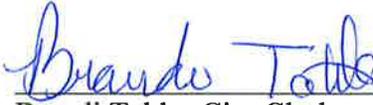
ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 28th DAY OF OCTOBER, 2014.

CITY OF ROSLYN



Geoff Scherer, Mayor

ATTEST/AUTHENTICATED:



Brandi Taklo, City Clerk

Approved as to form:

Ann Marie Soto, City Attorney

Filed with the City Clerk:
Passed by the City Council: 10/28/2014
Date of Publication:
Effective Date: