

ORDINANCE NO. 1257

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO CONTROLLED SUBSTANCES; AMENDING SECTION 9.14 OF THE GIG HARBOR MUNICIPAL CODE TO INCORPORATE PROVISIONS OF STATE LAW REGARDING MARIJUANA AND TO UPDATE STATUTORY REFERENCES; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, the City Council adopted provisions from state law relating to controlled substances in chapter 9.14 of the Gig Harbor Municipal Code; and

WHEREAS, on November 6, 2012, Washington state voters approved Initiative 502 relating to limited legalization of marijuana under state law, codified in part in chapter 69.50 RCW; and

WHEREAS, the City Council desires to incorporate certain provisions of the new state law relating to marijuana into the Gig Harbor Municipal Code; and

WHEREAS, the City Council further desires to update references currently in GHMC 9.14.010 for consistency with state law; Now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 9.14.010 - Amended. Section 9.14.010 of the Gig Harbor Municipal Code is amended as follows:

**9.14.010 State statutes adopted by reference.**

The following state statutes are adopted by reference:

RCW

69.41.010 Definitions.

69.41.020 Prohibited acts – Information not privileged communication.

69.41.030 Sale, delivery, or possession of legend drug without prescription or order prohibited – Exceptions.

69.41.050 Labeling requirements.

69.41.060 Search and seizure.

69.41.062 Search and seizure at rental premises – Notification of landlord.

69.41.065 Violation – Juvenile driving privileges.

~~69.41.070 Penalties.~~

69.50.101 Definitions.

69.50.102 Drug paraphernalia – Definitions.

69.50.204 (c)(14)(22) Schedule I – Marijuana.

69.50.309 Containers.

~~69.50.401(e) Prohibited Acts: A – Penalties.~~

69.50.4013 Possession of controlled substance – Penalty – Possession of


- usable marijuana or marijuana-infused products.  
69.50.4014 Possession of 40 grams or less of marijuana – Penalty.  
69.50.408 Second or subsequent offenses.  
69.50.412 Prohibited Acts: E – Penalties.  
69.50.4121 Drug paraphernalia – Selling or giving – Penalty.  
69.50.420 Violations – Juvenile driving privileges.  
69.50.425 Misdemeanor violations – ~~Minimum imprisonment penalties.~~  
69.50.445 Opening or consuming package containing marijuana, usable  
marijuana, or marijuana-infused product in view of general public –  
Penalty.  
69.50.505 Seizure and forfeiture.  
69.50.506 Burden of proof; liabilities.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be 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.

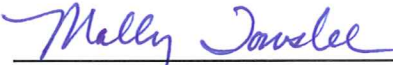
Section 3. Effective Date. This ordinance shall take effect and be in full force and effect five days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 25th day of February, 2013.

CITY OF GIG HARBOR

  
\_\_\_\_\_  
Mayor Charles L. Hunter

ATTEST/AUTHENTICATED:

  
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Molly M. Towslee, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

  
\_\_\_\_\_  
Angela S. Belbeck

FILED WITH THE CITY CLERK: 02/06/13  
PASSED BY THE CITY COUNCIL: 02/25/13  
PUBLISHED: 03/06/13  
EFFECTIVE DATE: 03/11/13  
ORDINANCE NO: 1257