

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 06-18

AN ORDINANCE OF THE CITY OF BUCKLEY, WASHINGTON, AMENDING CHAPTER 10.68.010 OF THE BUCKLEY MUNICIPAL CODE TO INCORPORATE REFERENCE TO RCW 69.50.4011 THROUGH RCW 69.50.4016 REGARDING CONTROLLED SUBSTANCES AND DRUG PARAPHERNALIA; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, pursuant to RCW 35A.12.140 the City may by reference adopt Washington state statutes; and

WHEREAS, Title 10 of the Buckley Municipal Code “Peace, Safety & Morals” encompasses many such references to state law; and

WHEREAS, the Buckley Municipal Code does not currently reference state law, RCW 69.50.4011, RCW 69.50.4012, RCW 69.50.4013, RCW 69.50.4014, RCW 69.50.4015 and RCW 69.50.4016 concerning Controlled Substance crimes; and

WHEREAS, controlled substance laws in Washington State have changed or been altered, making it difficult to get a gross misdemeanor or misdemeanor drug charges into the Buckley Municipal Court; and

WHEREAS, referencing RCW 69.50.4011, RCW 69.50.4012, RCW 69.50.4013, RCW 69.50.4014, RCW 69.50.4015 and RCW 69.50.4016 in the Buckley Municipal Code would allow these types of crimes to be charged into the Buckley Municipal Court; and

WHEREAS, as authorized by RCW 35A.12.140 the City Council desires to amend BMC 10.68.010 to add RCW 69.50.4011, RCW 69.50.4012, RCW 69.50.4013, RCW 69.50.4014, RCW 69.50.4015 and RCW 69.50.4016 to the code section by reference as they now exist and as hereinafter amended;

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

Section 1. **Amended.** Section 10.68.010 of the Buckley Municipal Code is hereby amended as follows:

10.68.010 Uniform Controlled Substances Act – Adopted by reference.

The following provisions of the Revised Code of Washington relating to controlled substances and drug paraphernalia are adopted by reference, as they now exist or as they may hereafter be amended:

Source of Adopted Law	Title
RCW 69.50.101	Definitions
RCW 69.50.102	Drug paraphernalia – Definitions
RCW 69.50.204(c)(14)	Schedule I – Marijuana
RCW 69.50.401(e)	Prohibited acts: A – Penalties
RCW 69.50.4011	Counterfeit substances – Penalties.
RCW 69.50.4012	Delivery of substance in lieu of controlled substance – Penalty.
RCW 69.50.4013	Possession of controlled substance – Penalty – Possession of useable marijuana or marijuana-infused products.
RCW 69.50.4014	Possession of forty grams or less of marihuana – Penalty.
RCW 69.50.4015	Involving a person under eighteen in unlawful controlled substance transaction – Penalty.
RCW 69.50.4016	Provisions not applicable to offenses under RCW 69.50.410.
RCW 69.50.407	Conspiracy
RCW 69.50.408	Second or subsequent offenses
RCW 69.50.412	Prohibited acts: E – Penalties
RCW 69.50.4121	Drug paraphernalia – Selling or giving – Penalty
RCW 69.50.420	Violations – Juvenile driving privileges
RCW 69.50.425	Misdemeanor violations – Minimum imprisonment
RCW 69.50.505	Seizure and forfeiture
RCW 69.50.506	Burden of proof; liabilities
RCW 69.50.509	Search and seizure of controlled substances

The city clerk is directed to maintain copies of the adopted statutes on file for public inspection and copying.

Section 2. 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 3. Effective date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the city, and shall take effect and be in full force five (5) days after publication.

APPROVED by the Buckley City Council this 10th day of April, 2018.


MAYOR, PAT JOHNSON

ATTEST/AUTHENTICATED:


CITY CLERK, JOANNE STARR

APPROVED AS TO FORM

PUBLISHED: April 18, 2018

OFFICE OF THE CITY ATTORNEY:

EFFECTIVE: April 23, 2018

BY 