

CITY OF BUCKLEY

ORDINANCE NO. 14-19

AN ORDINANCE OF THE CITY OF BUCKLEY, WASHINGTON, AMENDING CHAPTER 10.68 OF THE BUCKLEY MUNICIPAL CODE RELATED TO CONTROLLED SUBSTANCES AND LEGEND DRUGS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, The City currently has no mechanism for charging of small quantities of controlled substances as defined by RCW 69.50.101; and

WHEREAS, charging standards for controlled substance laws in Washington State have changed or been altered, making it difficult to get minor drug charges filed as a felony; and

WHEREAS, the City desires to adopt higher thresholds for charging minor possession of controlled substances as misdemeanors in the Buckley Municipal Court; and

WHEREAS, the City Council desires to amend BMC 10.68 to allow the City to charge minor possession of controlled as a misdemeanor in the Buckley Municipal Court;

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

Section 1. Chapter 10.68 of the Buckley Municipal Code is hereby repealed in its entirety and replaced to read as follows:

BMC 10.68.010 Controlled substances prohibited.

- (1) It is unlawful for any person to knowingly possess a controlled substance other than marijuana as defined by RCW [69.50.101](#)(f) unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice.
- (2) It is unlawful for any person to knowingly possess a legend drug in violation of Chapter [69.41](#) RCW.
- (3) Penalties.

- (a) Violation of subsection A of this section is a misdemeanor. For a first offense, the maximum penalty shall be 90 days in jail and/or a \$1,000 fine. For a second or subsequent offense, the maximum penalty shall be 180 days in jail and/or a \$2,000 fine.
- (b) Violation of subsection B of this section is a gross misdemeanor punishable by up to 364 days in jail and/or a \$5,000 fine.
- (c) Violation of subsection C of this section is a misdemeanor punishable by up to 90 days in jail and/or a \$1,000 fine.

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.

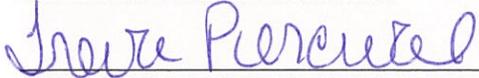
Section 3. Effective date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the city, and shall take effect and be in full force five (5) days after publication.

APPROVED by the Buckley City Council this 9th day of July 2019.



MAYOR, PAT JOHNSON

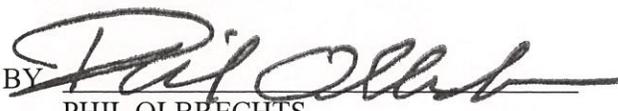
ATTEST/AUTHENTICATED:



CITY CLERK, TREVA PERCIVAL

APPROVED AS TO FORM

OFFICE OF THE CITY ATTORNEY:

BY 

PHIL OLBRECHTS

Published: July 17, 2019
Effective: July 22, 2019