

ORDINANCE 1690

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, AMENDING NORTH BEND MUNICIPAL CODE SECTION 9.45.010 RELATING TO CONTROLLED SUBSTANCES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City has the authority to establish and enforce misdemeanors and gross misdemeanors not in conflict with state and federal law; and

WHEREAS, the City has already established certain misdemeanors and gross misdemeanors relating to controlled substances by adopting certain provisions of the Revised Code of Washington (“RCW”) Chapter 69.50; and

WHEREAS, the RCW Chapter 69.41 also establishes other misdemeanors and gross misdemeanors as they relate to controlled substances; and

WHEREAS, in the interest of the public health, safety, and welfare, the City Council now desires to adopt by reference certain provisions of RCW Chapter 69.41;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. NBMC 9.45.010 (Controlled substances), Amended: North Bend Municipal Code Section 9.45.010 (Controlled substances) is hereby amended to read as follows:

9.45.010 Controlled substances.

The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference:

RCW

69.41.010 Definitions

69.41.030 Sale, delivery, or possession of legend drug without prescription or order prohibited—Exceptions—Penalty

69.50.101 Definitions.

~~69.50.204(d)(13) Schedule I—Marijuana.~~

69.50.309 Containers.

~~69.50.4014 Possession of forty grams of marijuana—Penalty.~~

~~69.50.425 Misdemeanor violators—Minimum imprisonment.~~

69.50.505 Seizure and forfeiture.

69.50.506 Burden of proof.

69.50.509 Search and seizure of controlled substances.

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 OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 18TH DAY OF JUNE, 2019.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Eileen M. Keiffer, City Attorney

ATTEST/AUTHENTICATED:

Published: June 28, 2019

Effective: July 3, 2019

Susie Oppedal, City Clerk