

ORDINANCE NO. 1408

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON AMENDING PROVISIONS OF THE CITY'S LAWS RELATING TO THE POSSESSION AND USE OF MARIJUANA IN ORDER TO CONFORM WITH STATE LAW, AMENDING SECTIONS 9.44.030 AND 9.44.040 AND ADDING SECTION 9.44.035 OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, on November 6, 2012, Washington voters approved Initiative 502; and

WHEREAS, Initiative 502 decriminalized the use and possession of marijuana, with certain limits, for persons over 21 years of age; and

WHEREAS, Initiative 502 declared the use or display of marijuana in public to be a civil infraction; and

WHEREAS, certain portions of the Lacey Municipal Code require amendment to conform with these changes;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, AS FOLLOWS:

Section 1. Section 9.44.030 of the Lacey Municipal Code is hereby amended to read as follows:

**9.44.030 Possession of marijuana.**

Any person who possesses forty grams or less of marijuana shall be guilty of a misdemeanor. However, the possession, by a person twenty-one years of age or older, of up to: one ounce of usable marijuana; sixteen ounces of marijuana-infused product in solid form; or seventy-two ounces of marijuana-infused product in liquid form is not a violation of this section.

Section 2. There is hereby added to the Lacey Municipal Code a new section to read as follows:

**9.44.035 Use and display of marijuana.**

It is unlawful to open a package containing marijuana, useable marijuana, or a marijuana-infused product, or consume marijuana, useable marijuana, or a marijuana-infused product, in view of the general public. A person who violates this section is subject to a civil fine of up to \$50.00, not including statutory assessments. City law enforcement personnel shall enforce this section by issuing a notice of infraction. Said infractions shall be processed, and fines paid, in the

manner set forth in Chapter 46.63 of the Revised Code of Washington for the disposition of traffic infractions, with fines assessed and recovered to be paid to the city.

Section 3. Section 9.44.040 of the Lacey Municipal Code is hereby amended to read as follows:

**9.44.040 Use of drug paraphernalia.**

A. 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. 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.

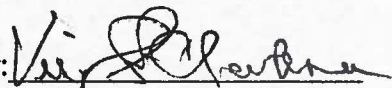
C. Any person eighteen years of age or over who violates subsection B of this section by delivering drug paraphernalia to a person under eighteen years of age who is at least three years his junior is guilty of a gross misdemeanor.

D. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates this subsection is guilty of a misdemeanor.

Section 4. The Summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, at a regularly-called meeting thereof, held this 6<sup>th</sup> day of December, 2012.

CITY COUNCIL

By:   
Mayor

Approved as to form:

  
\_\_\_\_\_  
Asst. City Attorney

Attest:

  
\_\_\_\_\_  
City Clerk

**SUMMARY FOR PUBLICATION**

**ORDINANCE NO. 1408**

**CITY OF LACEY**

**The City Council of the City of Lacey, Washington, passed on December 6, 2012, Ordinance No. 1408, entitled "AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON AMENDING PROVISIONS OF THE CITY'S LAWS RELATING TO THE POSSESSION AND USE OF MARIJUANA IN ORDER TO CONFORM WITH STATE LAW, AMENDING SECTIONS 9.44.030 AND 9.44.040 AND ADDING SECTION 9.44.035 OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION."**

**The main points of the Ordinance are described as follows:**

- 1. The Ordinance provides for amendments to Chapter 9.44 of the Lacey Municipal Code relating to the use and possession of marijuana for the purpose of conforming with recent changes to state law as a result of the passage of Initiative 502.**
- 2. The Ordinance approves this Summary for publication.**

**A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.**

**Published: December 10, 2012.**