

CITY OF BLACK DIAMOND, WASHINGTON

ORDINANCE NO.09-923

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY WASHINGTON, RELATING TO POSSESSION OF DRUG PARAPHERNALIA, ADDING A NEW SECTION 9.90.020, AMENDING SECTIONS 9.90.010 AND 9.90.130, AND REPEALING SECTION 9.90.090 OF THE BLACK DIAMOND MUNICIPAL CODE

WHEREAS, the City of Black Diamond finds it necessary and prudent to protect and maintain the health, safety, and welfare of the City by prohibiting the possession of drug paraphernalia; and

WHEREAS, Chapter 9.90 of the Black Diamond Municipal Code contains some outdated references and duplicative provisions, that need to be corrected;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Black Diamond Municipal Code Section 9.90.010 is hereby amended to read as follows:

**9.90.010 Statutes incorporated by reference.**

The following statutes regarding controlled substances and drug paraphernalia are incorporated by reference:

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| RCW 69.41.010 | Definitions of legend drugs.                 |
| RCW 69.41.030 | Possession of a legend drug unlawful.        |
| RCW 69.41.050 | Labeling requirements.                       |
| RCW 69.41.070 | Penalties.                                   |
| RCW 69.50.101 | Definitions.                                 |
| RCW 69.50.102 | Definitions.                                 |
| RCW 69.50.202 | Nomenclature.                                |
| RCW 69.50.204 | Marijuana defined as a controlled substance. |
| RCW 69.50.404 | Penalties under other laws.                  |
| RCW 69.50.407 | Conspiracy.                                  |
| RCW 69.50.412 | Prohibited acts and penalties regarding      |

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|                | use of drug paraphernalia and sale to minors.  |
| RCW 69.50.425  | Minimum imprisonment.  |
| RCW 69.50.505  | Forfeiture of controlled substances and drug paraphernalia, and equipment and vehicles associated therewith. |
| RCW 69.50.506  | Burden of proof; liabilities.  |
| RCW 69.50.509  | Search and seizure of controlled substances.   |
| RCW 69.50.510  | Search and seizure at rental premises—<br>Notification of landlord.  |
| RCW 69.52.040  | Seizure of contraband.   |
| RCW 9.47A.010  | Definition.  |
| RCW 9.47A.020  | Unlawful inhalation—Exception.   |
| RCW 9.47A.030  | Possession of certain substances prohibited, when.   |
| RCW 9.47A.040  | Sale of certain substances prohibited, when.   |
| RCW 9.47A.050  | Penalty.   |
| RCW 70.155.080 | Possession of tobacco by minors—<br>Penalties.   |

Section 2. A new section 9.90.020 is hereby added to the Black Diamond Municipal Code to read as follows:

**9.90.020 Drug Paraphernalia – Possession prohibited.**

It is unlawful for any person to possess drug paraphernalia, as defined in RCW 69.50.102, as amended, except that it is lawful for any person over the age of eighteen to possess sterile hypodermic syringes and needles for the purpose of reducing bloodborne diseases. A person who violates this section shall be guilty of a misdemeanor.

Section 3. Section 9.90.130 of the Black Diamond Municipal code is hereby amended to read as follows:

**9.90.130 Violation--Misdemeanor**

Unless otherwise specifically provided, any person who violates or fails to comply with any of the provisions of this chapter, or counsels, aids or abets any such violation or failure to comply is guilty of a misdemeanor and any

person convicted of such misdemeanor shall be punished as set forth in Section 9.00.110 of this code.

Section 4. Repealer. Section 9.90.090 of the Black Diamond Municipal Code is hereby repealed.

Section 5. Severability. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof, provided the intent of this Ordinance can still be furthered without the invalid provision.

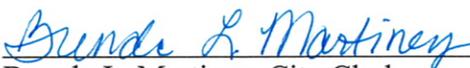
Section 6. Effective date. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced on the 17th day of September, 2009.

Passed by the City Council on the 17th day of September, 2009.

  
Howard Botts, Mayor

ATTEST:

  
Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:

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Loren D. Combs, City Attorney

Published: 9/22/09  
Effective Date: 9/27/09