

ORDINANCE NO. 1298

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO DRUG PARAPHERNALIA; ADDING A NEW SECTION 9.38.015 TO CHAPTER 9.38 (DRUG PARAPHERNALIA) OF THE GIG HARBOR MUNICIPAL CODE TO PROVIDE AN EXEMPTION FOR STATE-LICENSED MARIJUANA RETAILERS; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in 2006 the City Council adopted chapter 9.38 of the Gig Harbor Municipal Code making certain conduct relating to drug paraphernalia illegal; and

WHEREAS, on November 6, 2012, Washington state voters approved Initiative 502 relating to limited legalization of marijuana under state law, codified in part at chapter 69.50 RCW, including an amendment removing criminal provisions relating to drug paraphernalia for marijuana purposes, codified at RCW 69.50.4121; and

WHEREAS, to assist in implementation of Initiative 502, the Washington State Liquor Control Board adopted rules pertaining to licensing of marijuana producers, processors, and retailers, promulgated at chapter 314-55 of the Washington Administrative Code ("WAC"), including WAC 314-55-079(1) which provides that a marijuana retailer license allows a licensee to sell marijuana paraphernalia at retail in retail outlets to persons 21 years of age and older; and

WHEREAS, the City Council desires to amend chapter 9.38 of the Gig Harbor Municipal Code to allow sale of drug paraphernalia by state-licensed marijuana retailers for consistency with state law; Now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. New Section 9.38.015 GHMC. A new section 9.38.015 is hereby added to Chapter 9.38--Drug Paraphernalia--of the Gig Harbor Municipal Code as follows:

9.38.015 Exemption.

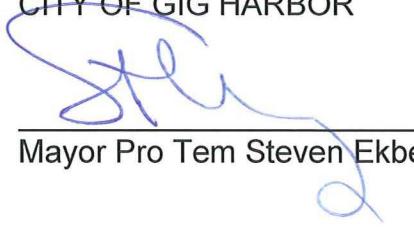
The provisions of this chapter shall not apply to the sale of drug paraphernalia for the purpose of marijuana use by a marijuana retailer with a current marijuana retailer license issued by the Washington State Liquor Control Board at a state-approved retail outlet location.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be 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 shall take effect and be in full force and effect five days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 14th day of July, 2014.

CITY OF GIG HARBOR


Mayor Pro Tem Steven Ekberg

ATTEST/AUTHENTICATED:



Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney



Angela G. Summerfield

FILED WITH THE CITY CLERK: 07/08/14
PASSED BY THE CITY COUNCIL: 07/14/14
PUBLISHED: 07/16/14
EFFECTIVE DATE: 07/21/14
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