

ORDINANCE NO 1438

AN ORDINANCE OF THE CITY OF LYNDEN, WASHINGTON AMENDING LYNDEN MUNICIPAL CODE SECTIONS 9.08.070 AND 9.08.110 TO BE CONSISTENT WITH NEW STATE LAWS REGARDING POSSESSION AND CONSUMPTION OF MARIJUANA AND MARIJUANA-INFUSED PRODUCTS, AND SETTING FORTH A PROHIBITION AND PENALTY FOR OPENING OR CONSUMING MARIJUANA IN PUBLIC.

WHEREAS, Initiative 502 recently passed in the State of Washington legalizing possession of certain amounts of marijuana and marijuana-infused products; and

WHEREAS, Sections 15 and 20 of Initiative 502 legalize the possession of up to one (1) ounce of marijuana by persons twenty-one years of age or older. These sections also set specific limits on possession of marijuana-infused products in solid and liquid form; and

WHEREAS, Section 21 of Initiative 502 prohibits consuming or opening the packaging of marijuana and marijuana infused products in view of the general public; and

WHEREAS, the Lynden Municipal Code prohibits alcohol consumption in view of the general public, but contains no similar restriction regarding marijuana; and

WHEREAS, under the Washington Constitution, Article 11, Section 11, local law must be consistent with the state law on the same subject; and

WHEREAS, the City of Lynden must amend Lynden Municipal Code sections 9.08.070 and 9.08.110, regarding possession and consumption of marijuana so as to be consistent with state law.

NOW, THEREFORE, THE CITY OF LYNDEN DOES ORDAIN:

Section 1: LMC 9.08.070 is hereby amended as follows, with additions underlined and deletions in strikethrough:

9.08.070 – Opening, possessing, or consuming liquor in a public place ~~–marijuana~~

- A. It is unlawful for any person to open any package containing liquor, to possess any open container of liquor, or to consume any liquor in a public place anywhere in the city, except in those areas or at those events that have appropriate licensing from the State of Washington and written permission of the authorized public official.
- B. It is unlawful for any person to open a package containing marijuana, useable marijuana, or a marijuana-infused product, or to consume or use marijuana, useable marijuana, or a marijuana-infused product, in a public place anywhere in the city.
- ~~B. C.~~ Every person who violates any provision of this section shall be guilty of a ~~misdemeanor punishable as provided by Lynden Municipal Code 9.04.050.~~ class 3 civil infraction under chapter 7.80 RCW.

Section 2: LMC 9.08.110 is hereby amended as follows, with additions underlined and deletions in strikethrough:

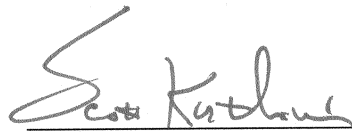
9.08.110 –Possession of object with drug residue.

- A. It shall be illegal for a person to possess any object that has attached to it or affixed upon it, in any quantity whatsoever, any drug, plant or substance, other than marijuana, illegal under RCW 69.50 or the residue of any drug, plant or substance, other than marijuana, illegal under RCW 69.50.

Violation of this section is a misdemeanor punishable as provided by LMC 9.04.050.

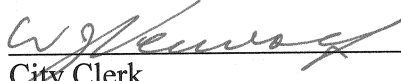
PASSED by the Council this 4th day of February, 2013.

SIGNED by the Mayor this 4th day of February, 2013.



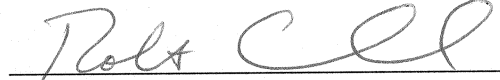
Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney