

ORDINANCE 2021-3

**AN ORDINANCE OF THE TOWN OF EATONVILLE,
WASHINGTON, AMENDING CHAPTER 9.14 OF THE
EATONVILLE MUNICIPAL CODE REGARDING DRUG
PARAPHERNALIA**

WHEREAS, the Eatonville Municipal Code (EMC) contains a chapter dealing with Drug Paraphernalia, which addresses the sale, exhibition or display of drug paraphernalia; and

WHEREAS, significant changes to drug use and the corresponding laws have occurred since Chapter 9.14 EMC was adopted in 1980; and

WHEREAS, Washington legislature has recently adopted a statute defining “drug paraphernalia,” and the Eatonville Town Council, wishes to amend the Eatonville Municipal Code to be in line with the current RCW regarding drug paraphernalia; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF
EATONVILLE AS FOLLOWS:**

Section 1. Chapter 9.14 “Drug Paraphernalia” of the Eatonville Municipal Code is AMENDED to read as follows:

Sections:

9.14.050 Possession.

9.14.050 Possession.

It is unlawful for any person to knowingly possess drug paraphernalia, as defined in RCW 69.50.102, as now or hereafter amended and adopted by reference. Possession of drug paraphernalia with knowledge is a civil infraction under EMC 1.12.020, and penalties for violating this Chapter shall be assessed as outlined in EMC 1.12.030.

Section 2. 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 preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING: 04/12/2021

2ND READING: 04/26/2021

PASSED by the Town Council of the Town of Eatonville and attested by the Clerk in authentication of such passage this _____ day of April, 2021.

Mike Schaub
Mayor

ATTEST:

Miranda Doll
Town Clerk

APPROVED AS TO FORM:

Gregory A. Jacoby
Town Attorney

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BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF EATONVILLE AS FOLLOWS:

Section 1. Chapter 9.14 “Drug Paraphernalia” of the Eatonville Municipal Code is AMENDED to read as follows:

Sections:

9.14.050 ~~Nuisance Possession.~~

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~~It is unlawful for any person to knowingly possess drug paraphernalia, as defined in RCW 69.50.102, as now or hereafter amended and adopted by reference. Possession of drug paraphernalia with knowledge is a civil infraction under EMC 1.12.020, and penalties for violating this Chapter shall be assessed as outlined in EMC 1.12.030. The distribution or possession for the purpose of sale, exhibition or display, in any place of business of any devices, contrivances, instruments, or paraphernalia which are primarily designed for or intended to be used for the smoking, ingestion, or consumption of marijuana, hashish, PCP, or any controlled substance, other than prescription drugs and devices to ingest or inject prescription drugs, is a public nuisance and may be abated as provided by law. This remedy shall be in addition to any~~

~~other remedy provided by law, including the penalty provisions applicable for violation of the terms and provisions of this chapter.~~

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