

**ORDINANCE NO. 1570**

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON** relating to controlled substances and drugs, and amending DMMC 9.28.010 adopting state statutes by reference.

**WHEREAS**, municipal courts are given the authority to hear and determine civil infractions that are established by municipal ordinance, and

**WHEREAS**, the City has previously adopted state statutes relating to the regulation of controlled substances and drugs, and

**WHEREAS**, state law has changed, creating a new infraction for the offense of Opening or Consuming Marijuana in Public View, and

**WHEREAS**; the Council finds that DMMC 9.28.010 must be updated to reflect the current state of the law and to allow enforcement of the law in the Municipal Court; now therefore,

**THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:**

**Sec. 1.** DMMC 9.28.010 and section 23 of Ordinance No. 1036 as amended by section 4 of Ordinance No. 1364 are each amended to read as follows:

**Statutes adopted by reference.** The following state statutes, as presently constituted or as may be subsequently amended, are adopted by reference and are applicable within the City:

RCW

- 69.50.101 Definitions.
- 69.50.102 Drug paraphernalia - Definitions.
- 69.50.309 Containers.
- 69.50.4014 Possession of forty grams or less of marijuana - Penalty.
- 69.50.404 Penalties under other laws.
- 69.50.405 Bar to prosecution.
- 69.50.412 Prohibited acts: E - Penalties.
- 69.50.425 Misdemeanor violations - Minimum penalties.
- 69.50.445 Opening or consuming package containing marijuana, useable marijuana, or marijuana -

- infused product in view of general public -  
Penalty.
- 69.50.505 Seizure and forfeiture.
- 69.50.506 Burden of proof; liabilities.
- 69.50.509 Search and seizure of controlled substances.
- 69.50.510 Search and seizure at rental premises -  
Notification of landlord.

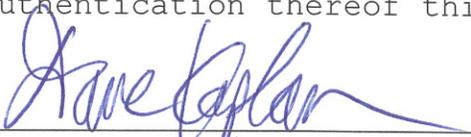
**Sec. 2. Severability - Construction.**

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

(2) If the provisions of this Ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this Ordinance is deemed to control.

**Sec. 3. Effective date.** This ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.

**PASSED BY** the City Council of the City of Des Moines this 8th day of August, 2013 and signed in authentication thereof this 8th day of August, 2013.

  
MAYOR

APPROVED AS TO FORM:

  
Assistant City Attorney

ATTEST:

  
City Clerk

Published: August 13, 2013

Effective Date: September 7, 2013

LEGAL NOTICE  
SUMMARY OF ADOPTED ORDINANCE  
CITY OF DES MOINES

ORDINANCE NO. 1570, Adopted August 8, 2013.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance relates to controlled substances and drugs, and amends DMMC 9.28.010 adopting state statues by reference.

The full text of the ordinance will be mailed without cost upon request.

Bonnie Wilkins  
City Clerk

Published: August 13, 2013