

CITY OF MAPLE VALLEY, WASHINGTON

ORDINANCE NO. O-12-528

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, ADDING A NEW CHAPTER 8.25, USE OF MARIJUANA IN PUBLIC TO TITLE 8, HEALTH AND SAFETY, OF THE MAPLE VALLEY MUNICIPAL CODE, DECLARING A PUBLIC EMERGENCY, ESTABLISHING SEVERABILITY AND AN EFFECTIVE DATE AND PROVIDING FOR CORRECTIONS.

WHEREAS, on December 6, 2012 Governor Gregoire and Sam Reed, the Washington Secretary of State, certified the results of the 2012 elections; and

WHEREAS, Initiative Measure No. 502 (“I-502”), Section 21, creates a civil infraction for opening a package containing marijuana, or consuming marijuana or a marijuana-infused product in view of the general public; and

WHEREAS, the City Council desires to create a civil infraction consistent with Section 21 of I-502 in the Maple Valley Municipal Code;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 8.25 Use of Marijuana in Public, within Title 8, Health and Safety, of the Maple Valley Municipal Code is hereby created as follows:

Sections:

8.25.010 Authority to adopt; adoption by reference.

8.25.020 Opening, using, consuming marijuana or marijuana-infused product in public.

8.25.030 Enforcement.

8.25.040 Penalties.

8.25.010 Authority to adopt; adoption by reference. Initiative Measure No. 502, An Act Relating to Marijuana, Session Law Number 13C3S21, and Chapter 7.80 RCW are hereby adopted by reference herein.

8.25.020 Opening, using, consuming marijuana or marijuana-infused product in public. No person shall open a package containing marijuana, useable marijuana, or a marijuana-

infused product, or consume marijuana, useable marijuana, or a marijuana-infused product in view of the general public.

8.25.030 Enforcement. The Maple Valley Municipal Court shall hear and determine all civil infractions pursuant to this Chapter.

8.25.040 Penalties. The penalty for violation of this Chapter shall be \$50.00 plus statutory assessments as a level 3 civil infraction pursuant to RCW 7.80.120(1)(c) and Initiative Measure No. 502.

Section 2. Public emergency declared. The City Council hereby declares a public emergency in the enactment of this ordinance, necessary for the protection of public health and public safety.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or 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 4. Effective Date. A summary of this ordinance shall be published in the official newspaper of the City. This ordinance shall be effective immediately pursuant to RCW 35A.13.190.

Section 5. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or to correct ordinance numbering and section/subsection numbering.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING
THEREOF THIS 10th DAY OF DECEMBER.**

William T. Allison, Mayor

ATTEST:

Shaunna Lee-Rice. City Clerk

Additional signatures on following page

APPROVED AS TO FORM:

Christy A. Todd, City Attorney

Date of Publication: December 18, 2012

Effective Date: December 10, 2012, as a declaration of public emergency