

**CITY OF GRANITE FALLS
ORDINANCE NO. 1004-2021**

**AN ORDINANCE OF THE CITY OF GRANITE FALLS, WASHINGTON AMENDING
CHAPTER 9.80 CONTROLLED SUBSTANCES AND PARAPHERNALIA TO AMEND
THE STATUTES INCORPORATED BY REFERENCE AND TO ADD NEW SECTION
GFMC 9.80.020 “POSSESSION OF DRUG PARAPHERNALIA”**

WHEREAS February 2021 decision of the Washington State Supreme Court has declared RCW 69.50.4013 unconstitutional, and Granite Falls has adopted that Section by reference and incorporation in GFMC Section 9.80.010; and

WHEREAS the City wishes to preserve a crime for possession so long as certain intent is required; and

NOW, THEREFORE the City Council of the City of Granite Falls, Washington do ordain as follows:

Section 1. Granite Falls Municipal Code Section 9.80.010 Statutes incorporated by Reference is hereby amended to read as follows:

9.80.010 Statutes incorporated by reference.

<u>RCW</u>	
<u>69.41.030</u>	Sale, delivery, or possession of legend drug without prescription or order prohibited – Exceptions – Penalty.
<u>69.50.101</u>	Definitions.
<u>69.50.102</u>	Definitions – Paraphernalia.
<u>69.50.202</u>	Nomenclature.
<u>69.50.309</u>	Containers.
<u>69.50.4014</u>	Possession of forty grams or less of marijuana – Penalty.
<u>69.50.412</u>	Prohibited acts: E – Penalties.
<u>69.50.4121</u>	Drug paraphernalia – Selling or giving – Penalty.
<u>69.50.425</u>	Misdemeanor violations – Minimum penalties.
<u>69.50.505</u>	Seizure and forfeiture.

Section 2. A new section 9.80.020 Possession of Drug Paraphernalia is hereby adopted to read as follows:

9.80.020 Possession of Drug Paraphernalia

It is unlawful for any person to use, or to possess with intent to use, any item of drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this act. Any person who violates this section is guilty of a misdemeanor and upon conviction may be imprisoned for not more than 90 days or fined not more than \$500.00, or both

Section 3. If any section of this Ordinance or Chapter 9.80 Granite Falls Municipal Code is determined unlawful, the remainder of the Ordinance and said Chapter shall remain in full force and effect.

Section 4. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

ADOPTED by the City Council and **APPROVED** by the Mayor this 17th day of March, 2021

CITY OF GRANITE FALLS




Matthew Hartman, Mayor

ATTEST:



Darla Reese, MMC, City Clerk

APPROVED AS TO FORM:



Thomas Graafstra, City Attorney
Emily Guildner, City Attorney

Passed by the City Council: March 17, 2021

Date of Publication: March 20, 2021

Effective Date: March 25, 2021