

**ORDINANCE NO. 1650**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING SECTION 9.13.030 OF THE BONNEY LAKE MUNICIPAL CODE AND ORDINANCE NO. 1452 § 4 RELATING TO POSSESSION OF DRUG PARAPHERNALIA.**

**WHEREAS**, in the Washington State Supreme Court ruling in State of Washington v. Blake, No. 96873-0 Filed February 25, 2021, the Court declared that laws that criminalize the unknowing possession of controlled substances are unconstitutional; and

**WHEREAS**, to comply with the Supreme Court’s decision, the Bonney Lake Municipal Code 9.13.030 must be amended to criminalize only “knowing” possession of drug paraphernalia; and

**WHEREAS**, because no prosecutions will be pursued until the Code is amended, the Council finds there is an urgency to amend the Code in order to preserve the immediate public health, welfare, and safety; and

**WHEREAS**, the Council has voted to suspend its normal rules of procedure to adopt this Ordinance on an expedited basis.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1.** BLMC Section 9.13.030 and Ordinance No. 1452 § 4 are hereby amended to read as follows:

9.13.030 Possession of Drug Paraphernalia

It is unlawful for any person to knowingly possess drug paraphernalia, as defined in RCW 69.50.102, adopted by reference. A person who violates this section shall be guilty of a misdemeanor.

**Section 2.** This Ordinance was passed by a unanimous vote of the Council.

**Section 3.** This Ordinance shall take effect and be in force immediately after passage, pursuant to RCW 35A.11.090 and 35A.12.130.

**PASSED** by the City Council and approved by the Mayor this 2<sup>nd</sup> day of March 2021.

DocuSigned by:  
*Neil Johnson, Jr.*  
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Neil Johnson, Jr., Mayor

AUTHENTICATED:

DocuSigned by:  
*Harwood T. Edvalson*  
F46A10A029884A1...  
Harwood T. Edvalson, City Clerk

AB21-38  
Passed: 03/02/21  
Valid: 03/02/21  
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Effective Date: 03/02/21  
This Ordinance totals 1 page

City of Bonney Lake, Washington  
**City Council Agenda Bill (AB)**

<b>Department/Staff Contact:</b> Executive / Maili Barber	<b>Meeting/Workshop Date:</b> 2 March 2021	<b>Agenda Bill Number:</b> AB21-38
<b>Agenda Item Type:</b> Ordinance	<b>Ordinance/Resolution Number:</b> D 21-38	<b>Sponsor:</b>

**Agenda Subject:** Amendment to the Possession of Drug Paraphernalia Municipal Code

**Full Title/Motion:** An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending The Current Municipal Code Prohibiting The Possession Of Drug Paraphernalia .

**Administrative Recommendation:** Approve

**Background Summary:** In consideration of the recent Washington State Supreme Court case of State of Washington v. Blake ruling, the City of Bonney Lake is amending the current Possession of Drug Paraphernalia to include a mens rea element.

**Attachments:** Ordinance D21-38

<b>BUDGET INFORMATION</b>				
Budget Amount	Current Balance	Required Expenditure	Budget Balance	Fund Source
n/a				<input type="checkbox"/> General <input type="checkbox"/> Utilities <input type="checkbox"/> Other
<b>Budget Explanation:</b> n/a				

<b>COMMITTEE, BOARD &amp; COMMISSION REVIEW</b>			
<b>Council Committee Review:</b>	<i>Approvals:</i>	<b>Yes</b>	<b>No</b>
Date:	Chair/Councilmember Terry Carter	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Todd Dole	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember Kelly Mclimans	<input type="checkbox"/>	<input type="checkbox"/>
Forward to:	<b>Consent Agenda:</b>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Commission/Board Review:</b>			
<b>Hearing Examiner Review:</b>			

<b>COUNCIL ACTION</b>	
Workshop Date(s): March 02, 2021	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

<b>APPROVALS</b>		
<b>Director:</b>	<b>Mayor:</b>	<b>Date Reviewed by City Attorney:</b> (if applicable)