

ORDINANCE NO. 2015-17

**AN ORDINANCE OF THE TOWN OF EATONVILLE,
WASHINGTON, AMENDING EATONVILLE MUNICIPAL CODE
CHAPTER 12.20 "PARKS" PROHIBITING THE USE OF
MARIJUANA AND IDENTIFYING CERTAIN VIOLATIONS AS
CLASS 1 CIVIL INFRACTIONS**

WHEREAS, Eatonville Municipal Code chapter 12.20 sets forth the rules and regulations regarding the use of public parks in the Town limits; and

WHEREAS, the Town finds it necessary and desirable to update its Code from time to time to incorporate changes in state relating to marijuana and its local regulations relating to civil infractions; now, therefore,

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

Section 1. Eatonville Municipal Code section 12.20.010 "Definitions" is amended to read as follows:

12.20.010 Definitions.

The terms used in this chapter, unless clearly contrary to or inconsistent with the context in which used, shall be construed as follows:

"Marijuana" means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin.

"Marijuana-infused products" means products that contain marijuana or marijuana extracts, have a THC concentration greater than 0.3 percent, and are intended for human use.

"Off-leash area" means an area where licensed dogs excluding dangerous dogs as listed in EMC 6.30.240 may be allowed to be accompanied by their owner in town parks without being tethered to a leash.

"On-leash area" means an area of town parks where all pets must be kept on a leash no longer than eight feet in length at all times.

"Park" means and includes all parks, squares, drives, parkways, boulevards, rivers, playgrounds, trails, and recreation areas of the town. The term also includes any area, indoor or outdoor, within a park.

"Person" shall have the same meaning as RCW 1.16.080.

Whenever consistent with the context of this chapter, words in the

present, past or future tenses shall be construed to be interchangeable with each other; and words in the singular number shall be construed to include the plural.

Section 2. A new Eatonville Municipal Code section 12.20.062 “Marijuana Use Prohibited” is added to read as follows:

12.20.062 Marijuana Use Prohibited.

The display of an open package of marijuana or marijuana-infused products or the consumption thereof is prohibited.

Section 3. Eatonville Municipal Code section 12.20.160 “Violations-Penalty” is amended to read as follows:

12.20.160 Violations – Penalty.

Unless enforcement is otherwise specified within this chapter, any person who violates, disobeys, omits or neglects or refuses to comply with or resists the enforcement of the provisions of this chapter shall be guilty of a misdemeanor and shall upon conviction be punished by fine not to exceed \$100.00 or imprisonment for not more than 30 days or may be punished by both fine and imprisonment. Any person, firm, association, or corporation violating any provision of this chapter shall have committed a Class 1 civil infraction pursuant to EMC Chapter 1.12, and shall be subject to a penalty of up to \$250.00, not including statutory assessments. Each day during which a violation occurs or exists shall be deemed a separate civil infraction.

Section 4. 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 5. This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING: 11/23/2015
2ND READING: / /2015

PASSED by the Town Council of the Town of Eatonville and attested by the Clerk in authentication of such passage this ____ day of _____, 2015.

Mike Schaub
Mayor

ATTEST:

Kathy Linnemeyer
Town Clerk

APPROVED AS TO FORM:

Gregory A. Jacoby
Town Attorney