
Council Bill Number: 117989
Ordinance Number: 124393

AN ORDINANCE relating to consuming marijuana in public; amending Chapter 12A.20 of the Seattle Municipal Code to conform with state law

Status: Passed

Note: Referred from the Full Council to the Government Performance and Finance Committee on July 15, 2013.

Vote: 9-0

Date filed with the City Clerk: 2013/12/23

Date passed by Full Council: 2013/12/16

Date of Mayor's signature: 2013/12/17 ([about the signature date](#))

Date introduced/referred to committee: 2013/12/02

Committee: Housing, Human Services, Health, and Culture

Sponsor: LICATA

Committee Recommendation: Pass as Amended

Date of Committee Recommendation: 2013/12/11

Committee Vote: 4(Licata, Bagshaw, Burgess, Clark, Harrell)-0

Index Terms: DRUG-ENFORCEMENT, MUNICIPAL-CODE, STATE-LEGISLATION

Fiscal Note: [Fiscal Note to Council Bill No. 117989](#)

Electronic Copy: [PDF scan of Ordinance No. 124393](#)

Reference: Related: [Clerk File 313320](#)

Text:

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to consuming marijuana in public; amending Chapter 12A.20 of the Seattle Municipal Code to conform with state law.

WHEREAS, Initiative 502 legalized adult possession of small amounts of marijuana under Washington law, established a taxed and regulated system for production, processing, and distribution of marijuana within Washington, and changed the Revised Code of Washington (RCW) accordingly; and

WHEREAS, one such change was to define the infraction of opening or consuming a marijuana product in public as a class 3 civil infraction, comparable to open consumption of alcohol in a public place, subject to a monetary penalty of up to \$50, plus statutory assessments currently set at 105% of the penalty; and

WHEREAS, the fine for public consumption of alcohol in Seattle is \$27; and

WHEREAS, pursuant to RCW 7.80.060 a person who does not identify him or herself to officers issuing a civil

infraction "may be detained for a period of time not longer than is reasonably necessary to identify the person for purposes of issuing a civil infraction"; and

WHEREAS, over nine years ago, voters adopted Seattle Municipal Code Section 12A.20.060 which sets the investigation, arrest and prosecution of marijuana offenses as the City's lowest law enforcement priority, but the Municipal Code does not address civil citations for open public use; and

WHEREAS, whenever practical the Seattle Police Department intends to provide a first warning for persons violating the provisions of this ordinance; and

WHEREAS, enforcement of the ordinance will be closely monitored for its race and social justice impacts and the Seattle Police Department intends to contract with a consultant to develop a method for this monitoring; and

WHEREAS, smoking marijuana in public places or places of employment is separately subject to the provisions of Municipal Code Chapter 10.64 on No-smoking Areas and Chapter 70.160 RCW on Smoking in Public Places; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Chapter 12A.20 of the Seattle Municipal Code is amended to add the following section:

12A.20.100 Opening or consuming marijuana products in public.

A. It is unlawful to open a package containing or consume marijuana, useable marijuana or a marijuana-infused product in view of the general public. A person who violates this section is guilty of a class 3 civil infraction under RCW Chapter 7.80. The penalty shall be set by Municipal Court local rule and be consistent with the penalty for public consumption of alcohol (RCW 69.50.445).

B. For purposes of this section:

1. "Marijuana" means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; 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" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

2. "Useable marijuana" means dried marijuana flowers, but does not include marijuana-infused products.

3. "Marijuana-infused products" means products that contain marijuana or marijuana extracts and are intended for human use, but does not include useable marijuana.

4. "THC concentration" means percent of delta-9 tetrahydrocannabinol content per dry weight of any part of the plant Cannabis, or per volume or weight of marijuana product, or the combined percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant Cannabis regardless of moisture content. (RCW 69.50.101)

Section 2. The Seattle Police Department shall monitor the enforcement of this ordinance for at least two years. Monitoring shall include, but not necessarily be limited to, a periodic review and analysis of the age, race and sex of those cited for violations of this ordinance, the locations of the violations, and, to the extent feasible, the reasons officers give for the stops leading to the citations. The Department shall report the results of this monitoring to the City Council six months after the effective date of this ordinance, and subsequently each six months for at least two years after the effective date.

Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but

if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2013, and signed by me in open session in authentication of its passage this ____ day of _____, 2013.

President _____ of the City Council

Approved by me this ____ day of _____, 2013.

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2013.

Monica Martinez Simmons, City Clerk

(Seal)

Richard Greene / Peter Harris LAW marijuana infractions ORD December 9, 2013 Version #8