

ORDINANCE NO. _____
AN ORDINANCE OF THE CITY OF LYNDEN, COUNTY OF WHATCOM, AMENDING CHAPTER
9.08.005 OF THE LYNDEN MUNICIPAL CODE TO ADOPT NEW PROVISIONS REGARDING
CONTROLLED SUBSTANCES AND POSSESSION OF UNLAWFUL SUBSTANCES

WHEREAS, the City of Lynden (“City”) desires to criminalize certain drug possession offenses occurring within the City limits that are classified as felony drug offenses by the Revised Code of Washington, and prosecute those crimes as misdemeanors and gross misdemeanors in the Municipal Court of the City of Lynden;

WHEREAS, the City therefore desires to amend the Lynden Municipal Code to criminalize certain drug possession offenses;

WHEREAS, this ordinance is declared to be an exercise of the policy power of the City of Lynden and its provisions shall be liberally construed for the preservation and protection of the public peace, health, safety and welfare; and,

WHEREAS, the foregoing recitals are material findings and declarations of the Lynden City Council;

NOW THEREFORE, BE IT ORDAINED as follows:

Section 1: Chapter 9.8.005 of the Lynden Municipal Code is amended to include the following additions:

9.08.120 State statutes adopted - Controlled substances.

The criminal provisions of the statutes contained in Chapters 69.41 and 69.50 of the Revised Code of Washington as they relate to drugs, prescription or otherwise, and other controlled substances, defining crimes, are adopted by this reference.

If any of the state statutes hereby adopted by reference are amended by the State Legislature or the people, including repeal and substitution of other language or recodifications, then such amendments are further incorporated by reference in this section and the city code codification.

9.08.130 Possession of unlawful substances.

A. Possession of a Controlled Substance. Any person convicted under this article of violation of any of the provisions adopted in LMC 9.08.120 regarding scheduled substances, as adopted and amended, is guilty of possession of a controlled substance, which is a gross misdemeanor.

B. Possession of a Legend Drug. Any person convicted under this article of violation of any of the provisions adopted in LMC 9.08.120 regarding legend drugs, as adopted and amended, is guilty of possession of a legend drug, which is a misdemeanor.

Section 2: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

Section 6. Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section 7. This ordinance shall be in full force and effect five (5) days after its passage, approval and publication as provided by law.

PASSED by the City Council this _____ day of _____, 2021 and signed by the Mayor on the _____ day of _____, 2021.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney