ORDINANCE NO. 3630

AN ORDINANCE of the City of Kent, Washington, relating to narcotics, amending KCC 9.12.68, the existing section on the subject of penalty for violations for possession of marijuana (Ordinance 2894).

WHEREAS, the Kent City Code must penalize the crime of possession of marijuana as set out by the State Legislature in RCW 69.50.425 in the same manner; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Kent City Code 9.12.68 is amended as follows:

9.12.68 PENALTY FOR VIOLATIONS

Any person, firm or corporation who shall violate or fail to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than two hundred fifty ($250) dollars for a first offense, and a mandatory, not suspendable, jail term of not less than twenty-four consecutive hours. On a second or subsequent conviction, the fine shall not be less than five hundred ($500) dollars. These fines shall be in addition to any other fine or penalty imposed. The fine and jail term shall not exceed ninety (90) days or one thousand ($1,000) dollars.
A person who is convicted of a misdemeanor violation of any provision of this chapter shall be punished by imprisonment for not less than twenty-four consecutive hours, and by a fine of not less than two hundred fifty dollars. On a second or subsequent conviction, the fine shall not be less than five hundred dollars. These fines shall be in addition to any other fine or penalty imposed. Unless the court finds that the imposition of the minimum imprisonment will pose a substantial risk to the defendant's physical or mental well-being or that local jail facilities are in an overcrowded condition, the minimum term of imprisonment shall not be suspended or deferred. If the court finds such risk or overcrowding exists, it shall sentence the defendant to a minimum of forty hours of community service. If a minimum term of imprisonment is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. Unless the court finds the person to be indigent, the minimum fine shall not be suspended or deferred.

Section 2. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.
Section 3. Effective date. This ordinance shall take effect and be in force thirty (30) days from and after its passage and approval.

DAN KELLEHER, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED the 18th day of February, 1992.
APPROVED the 19th day of February, 1992.
PUBLISHED the 21st day of February, 1992.

I hereby certify that this is a true and correct copy of Ordinance No. 3030, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER, CITY CLERK