

**CITY OF WHITE SALMON  
ORDINANCE NO. 2023-06-1144**

**AN ORDINANCE adopting the amendments to Chapter 69.50 RCW, and Chapter 69.41 RCW, as set forth in Washington State Senate Bill 5536, and amending White Salmon Municipal Code Chapter 9.04.**

**WHEREAS**, on February 25, 2021, the Washington State Supreme Court held in the case of *State v. Blake* that RCW 69.50.4013 exceeded the state's police power and violated the due process clauses of the state and federal constitutions, which had the effect of eliminating criminal penalties for the possession of a controlled substance; and

**WHEREAS**, on May 17, 2023, the Governor signed Senate Bill 5536 into law which criminalizes the knowing possession of controlled substance without a valid prescription, and knowing use of a controlled substance in a public place without a valid prescription; and

**WHEREAS**, Sections 1 through 5, 7 through 11, and 41 of SB 5536 are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect on July 1, 2023; and

**WHEREAS**, the City of White Salmon through its prosecution, based upon the totality of the circumstances, may offer a stay of proceeding or diversion which includes assessment, treatment or other services; may refer a case to any Drug Court; or may recommend imposition of sentence up to the maximum penalty as set forth in SB 5536; and

**WHEREAS**, the City of White Salmon desires to adopt the provisions of SB 5536 relating to its police power and police authority to protect the health, safety and welfare of the inhabitants of the City.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITE SALMON DO  
ORDAIN AS FOLLOWS:**

The City Council of the City of White Salmon ordain the following amendments be made to White Salmon Municipal Code 9.04.010:

**SECTION 1 – Amendment to WSMC 9.04.010A**

White Salmon Municipal Code Section 9.04.010A, Adoption by Reference, is hereby amended to include the following:

All other Chapter 69.41 and 69.50 RCW offenses as adopted or hereinafter amended, for which the penalty is either a misdemeanor or gross misdemeanor.

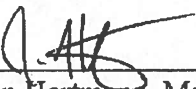
**SECTION 2 - SEVERABILITY.**

If any section, sentence, or phrase of this Chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, or phrase of this Chapter.

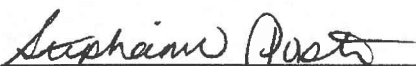
**SECTION 3 – EFFECTIVE DATE**

This ordinance shall take force and be in effect July 1, 2023 following publication according to law.

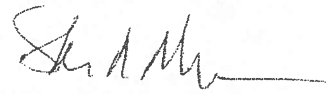
PASSED in regular session by the City Council and APPROVED by the Mayor Pro Temp this 7th day of June, 2023.

  
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Jason Hartmann, Mayor Pro Temp

ATTEST:

  
\_\_\_\_\_  
Stephanie Porter, Clerk/Treasurer

APPROVED as to form:

  
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Shawn MacPherson, City Attorney