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## CITY OF BELLEVUE, WASHINGTON

## ORDINANCE NO. 2837

AN ORDINANCE restricting sale of drug-related paraphernalia to the Central Business District (CBD) core area only; establishing the manner in which said paraphernalia may be displayed and prohibiting display and sale to persons under the age of 18; amending Ordinance No. 2629B; adding a new Section 20.20.295 to the Bellevue Land Use Code; adding a new Footnote 46(A) and new category of wholesale and retail sales to Bellevue Land Use Code 20.10.440 "Uses in Land Use Districts - Wholesale and Retail;" and establishing a termination of non-conforming uses.

WHEREAS, the City Council has determined that the sale and use of unlawful drugs is a major problem within the City; and

WHEREAS, the sale and use of unlawful drugs among persons under the age of 18 constitutes a large portion of said sale and use; and

WHEREAS, the availability of paraphernalia, intended for use with unlawful drugs, within residential areas and areas having proximity to schools and other areas having large concentrations of minors, promotes the sale and use of unlawful drugs; and

WHEREAS, the ready availability of such drug paraphernalia gives the appearance of condoning of the sale and use of unlawful drugs in violation of ordinance and statute; and

WHEREAS, the City has a great interest in protecting, preserving and improving the quality of its neighborhoods through effective land use planning; and

WHEREAS, the City has a great interest in protecting its young citizens and in insuring a respect for the rule of the law; and

WHEREAS, the reasonable limitation and regulation of the display and sale of drug-related paraphernalia balances the rights of commercial interests with the City's responsibility to protect, preserve and improve the quality of life of its citizens; now, therefore

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. A new Footnote 46(A) is hereby added to Bellevue City

Code (Land Use Code) 20.10.440, "Uses in Land Use Districts - Wholesale and Retail," to read as follows:

(46A) Drug-Related Paraphernalia.

The sale of drug-related paraphernalia, whether wholesale or retail, shall be a conditional use in the Central Business District (CBD) core area only. The CBD core area is that area located within the following boundaries:

Bellevue Way on the west; N.E. 8th on the north; 112th N.E. on the east; and N.E. 4th on the south.

It is unlawful for any person to sell or offer to sell drug-related paraphernalia in any area of the City other than said CBD core area. See Section 20.20.295 for regulations concerning sale and display.

Section 2. A new section 20.20.295 Drug Paraphernalia is hereby added to the Bellevue City Code (Land Use Code), to read as follows:

- (1) Sale. The sale of drug-related paraphernalia, whether wholesale or retail, shall be a conditional use in the Central Business District (CBD) core area only. The CBD core area is that area located within the following boundaries:

Bellevue Way on the west; N.E. 8th on the north; 112th N.E. on the east; and N.E. 4th on the south.

It is unlawful for any person to sell or offer to sell drug-related paraphernalia in any area of the City other than said CBD core area.

Sale of drug related paraphernalia in the Central Business District (CBD) core area is further subject to the following terms and conditions.

- (2) Definitions. The term 'drug paraphernalia' means all equipment, products and materials of any kind whose primary design function is for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body unlawful drugs, including but not limited to controlled substances as defined by RCW 69.50. It includes, but is not limited to:

- A. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a

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- controlled substance or from which a controlled substance or unlawful drug can be derived;
- B. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing unlawful drugs;
  - C. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a unlawful drug;
  - D. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of unlawful drugs;
  - E. Scales and balances used, intended for use, or designed for use in weighing or measuring unlawful drugs;
  - F. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting unlawful drugs;
  - G. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
  - H. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding unlawful drugs;
  - I. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of unlawful drugs;
  - J. Containers and other objects used, intended for use, or designed for use in storing or concealing unlawful drugs;
  - K. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
    - (1) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

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- (2) Water pipes;
  - (3) Carburetion tubes and devices;
  - (4) Smoking and carburetion masks;
  - (5) Roach clips: meaning objects used to hold burning material, such as marijuana cigarette, that has become too small or too short to be held in the hand;
  - (6) Miniature cocaine spoons, and cocaine vials;
  - (7) Chamber pipes;
  - (8) Carburetor pipes;
  - (9) Electric pipes;
  - (10) Air-driven pipes;
  - (11) Chilams;
  - (12) Bonges;
  - (13) Ice pipes or chillers.
- (3) Display - Separate Room Required. A person shall not display or sell drug-related paraphernalia unless such material is displayed or sold in a separate room into which persons under the age of 18 are not allowed to enter except when accompanied by a parent or legal guardian. Each entrance to such rooms shall be conspicuously posted with a sign to the effect that drug-related paraphernalia is displayed or sold therein and that persons under the age of 18 years are excluded unless accompanied by a parent or legal guardian.
- (4) Responsibility of Owner, Manager, Employee. No owner, manager, employee or other person in charge of or responsible for a room in which drug-related paraphernalia is displayed or sold shall allow any person under the age of 18 years to enter such room unless accompanied by his or her parent or legal guardian.
- (5) Persons Under 18 Years of Age Excluded. A person under the age of 18 years shall not enter a room in which drug-related paraphernalia is displayed or sold unless such minor is accompanied by his or her parent or legal guardian.

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- (6) Separate Offense. Violation of Subsections 1, 3 and 4 above shall constitute a separate offense for each day upon which the violation occurs or is allowed to continue.
- (7) Enforcement. This section shall be enforced by the City Manager, or his designee or designees, and the City Manager shall enforce this section under the applicable provisions of the City of Bellevue Land Use Code including but not limited to Sections 20.40.440 (Inspections) and 20.40.460 (Penalties), Provided, however, that in addition to the fine set forth in Section 20.40.460(C), a violation of this subsection is punishable by imprisonment not to exceed ninety (90) days, or both imprisonment and fine.

Section 3. Bellevue City Code (Land Use Code) Chart 20.10.440 "Uses in Land Use Districts - Wholesale and Retail," is hereby amended as set forth in Exhibit A attached hereto and by this reference incorporated herein.

Section 4. Notwithstanding any provision of the City of Bellevue Land Use Code, any use or structure, which, under the provisions of this ordinance, does not conform to the regulations contained herein, may continue for a period of ninety (90) days following the effective date of this ordinance, at which time any non-conforming use must cease and the use or structure must conform with the regulations herein.

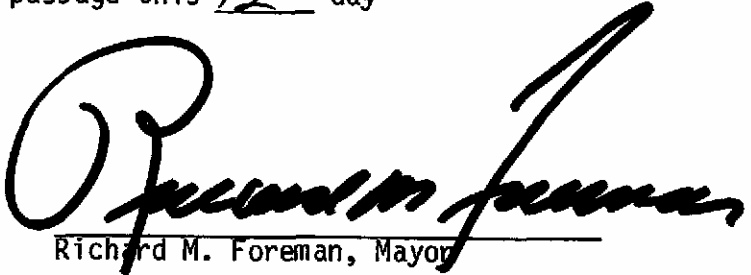
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Section 5. If any provision of this ordinance or its application to any person or circumstances is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Section 6. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 12 day of May, 1980, and signed in authentication of its passage this 12 day of May, 1980.

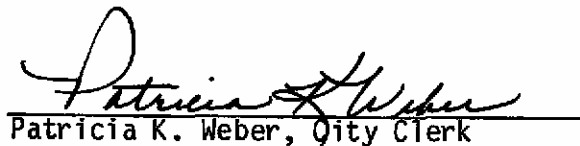
(SEAL)

  
Richard M. Foreman, Mayor

Approved as to form:

  
Richard Gidley, Acting City Attorney

Attest:

  
Patricia K. Weber, City Clerk

Published May 17, 1980

USES | LAND USE DISTRICTS - WHOLESALE & RETAIL

STD. LAND USE CODE REF.

LAND USE CLASSIFICATION

DEVELOPMENT DISTRICTS			RESIDENTIAL ESTATE					SUBURBAN RESIDENTIAL				URBAN RESIDENTIAL				PROFESSIONAL OFFICE		OFFICE/LIMITED BUSINESS		LIGHT INDUSTRY		GENERAL COMMERCIAL		NEIGHBORHOOD BUSINESS		COMMUNITY BUSINESS		CENTRAL BUSINESS DISTRICT	
G	A	OU	R-1	R-1B	R-2.5	R-3.5	R-4	R-5	R-10	R-15	R-20	R-30	PO	O	OLB	LI	GC	NB	CB	CBD									

STD. LAND USE CODE REF.	LAND USE CLASSIFICATION	G	A	OU	R-1	R-1B	R-2.5	R-3.5	R-4	R-5	R-10	R-15	R-20	R-30	PO	O	OLB	LI	GC	NB	CB	CBD	
51	WHOLESALE TRADE: (24) GENERAL MERCHANDISE, PRODUCTS, SUPPLIES, MATERIALS & EQUIPMENT EXCEPT THE FOLLOWING																	P	P				
5130 5157 5158 5159	MOTOR VEHICLES, PRIMARY & STRUCTURAL METALS, BULK PETROLEUM (25)																	P (26)	C				
5193	SCRAP WASTE MATERIALS, LIVESTOCK																						
	RECYCLING CENTERS			C	C	C	C	C	C	C	C	C	C	C				P	P	P	P		
521 522 523 524	BULK RETAIL: LUMBER BUILDING MATERIALS, PAINT, GLASS, PLUMBING & ELECTRICAL SUPPLIES (27)																	P	P		P		
5241	HARDWARE (RETAIL)																	P (28)	P	P (29)	P		
5252	FARM EQUIPMENT, MOBILE HOMES & RECREATIONAL VEHICLES (RETAIL)																	P					
53	GENERAL MERCHANDISE: DRY GOODS, VARIETY & DEPT. STORES (RETAIL)																					P	
54	FOOD (RETAIL)																		P	P (30)	P		
5411	AUTOS (RETAIL)																			P		C	
	TRUCKS, MOTORCYCLES																	P (31)	P				
5512	BOATS (RETAIL)			PD (32)														P	P				
552	AUTOMOTIVE & MARINE ACCESSORIES (RETAIL)			P (33)														P (34)	P			C	
553	GASOLINE SERVICE STATIONS			P (35)													C		P	C	C		
56	APPAREL & ACCESSORIES (RETAIL)																	P (36)				P	
57	FURNITURE & HOME FURNISHINGS (RETAIL)																		P (37)	P		P	
58	EATING & DRINKING ESTABLISHMENTS			PD (38)													P (39)	P (40)	P (41)	P	C (42)	P	
58	OTHER RETAIL TRADE: DRUGS, LIQUOR, ANTIQUES, BOOKS, SPORTING GOODS, JEWELRY, FLORIST & PHOTOGRAPHIC SUPPLIES																P (43)	P (44)			P (45)	P	
5961	FARM SUPPLIES: HAY, GRAIN, FEED & FENCING, ETC. (RETAIL)																		P	P			
598	RETAIL FUEL YARDS																		P	P			
5988	GARDEN SUPPLIES: SMALL TREES, SHRUBS, FLOWERS & LIGHT SUPPLIES & TOOLS			PD															P	P		P (46)	
5099	PET SHOP (RETAIL & GROOMING)																					P	
	DRUG-RELATED PARAPHERNALIA																						

EXHIBIT A

**KEY:**  
 P - PERMITTED USE  
 C - CONDITIONAL USE  
 (SEE SECTION 20.30.600 AND THOSE FOLLOWING; ALSO SECTION 20.30.800 AND THOSE FOLLOWING)  
 PD - PERMITTED SUBJECT TO PLANNED RESIDENTIAL UNIT DEVELOPMENT OR PLANNED UNIT DEVELOPMENT ONLY (SEE SECTION 20.30.300 AND THOSE FOLLOWING)