BEFORE THE PACIFIC COUNTY BOARD OF COMMISSIONERS
PACIFIC COUNTY WASHINGTON

PACIFIC COUNTY ORDINANCE NO. 120 :

AN ORDINANCE DESCRIBING AND DEFINING UNLAWFUL PERSONAL PROTECTION DEVICES, DESCRIBING AND DEFINING THE UNLAWFUL USE, POSSESSION, OR SALE OF SUCH DEVICES, AND DESCRIBING AND DEFINING VIOLATIONS AND PENALTIES FOR THE UNLAWFUL USE, POSSESSION OR SALE OF SUCH DEVICES.

UNLAWFUL PERSONAL PROTECTION DEVICES

WHEREAS, the Pacific County Board of Commissioners is charged with the duty of making such rules and regulations as may be necessary for the protection and maintenance of the health and safety of the citizens of Pacific County; and

WHEREAS, there is an existing and present danger from the availability of personal protection devices using, as an active ingredient, a tincture of oleoresin capsicum (capstun); and

WHEREAS, the following rules and regulations are necessary for the protection and maintenance of the health and safety of the citizens of Pacific County; now, therefore,

BE IT ORDAINED by the Pacific County Board of Commissioners that the following ordinance be adopted:

SECTION I
DEFINITIONS

1.1 "Personal protection device" means any container, pen, pencil, bomb, pistol, or other device that contains and is capable of emitting any form of noxious liquid, gas, or other substance.

SECTION 2
UNLAWFUL PERSONAL PROTECTION DEVICES

It is unlawful for a person knowingly to:

2.1 Sell, manufacture, purchase, possess, or carry any personal protection device, the active ingredient of which is oleoresin of capsicum (capstun).

SECTION 3
COURT FORFEITURE OF UNLAWFUL PERSONAL PROTECTION DEVICES

3.1 The Superior Court for Pacific County or any Pacific County District Court may order forfeiture of an unlawful personal protection device which is proven to be: sold, purchased, or possessed in violation of this Ordinance.

SECTION 4
AFFIRMATIVE DEFENSES

The proscriptions of Section 2 herein, relating to unlawful personal protection devices, shall not apply to:

4.1 Peace officers or military personnel while in the performance of their official duties.
4.2 Sales to a governmental agency.

SECTION 5
PENALTY

5.1 Any person, business, partnership, or corporation, or entity of any kind violating or failing to comply with the provision of this ordinance shall be guilty of a gross misdemeanor.

SECTION 6
CONFLICT; EFFECT OF PARTIAL INVALIDITY

6.1 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 circumstances shall not effect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

PASSED BY THE BOARD OF PACIFIC COUNTY COMMISSIONERS ON THIS

PASSED BY THE BOARD OF PACIFIC COUNTY COMMISSIONERS ON THIS 14th DAY OF August, 19 90, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 14th DAY OF August, 19 90.

3 YEA; 0 NAY; 0 ABSTAIN; and 0 ABSENT.

BOARD OF COUNTY COMMISSIONERS
PACIFIC COUNTY, WASHINGTON

Dave Wolfenbarger

Dave Wolfenbarger, Chairman

Dick Sande

Dick Sande, Vice Chairman

Ann Saari

Ann Saari, Commissioner

ATTEST:

Geraldine Weiberg

Geraldine Weiberg
Clerk of the Board

APPROVED AS TO FORM:

Stephen W. Gillard

Stephen W. Gillard
Civil Deputy Prosecuting Attorney
for
Pacific County