

Washington State Chapter **COMMUNITY ASSOCIATIONS INSTITUTE**

*The professional organization providing
education, resources, and advocacy
for community association living.*



community
ASSOCIATIONS INSTITUTE

Guns, Marijuana, Political Signs and Other Controversial Issues in Washington Community Associations



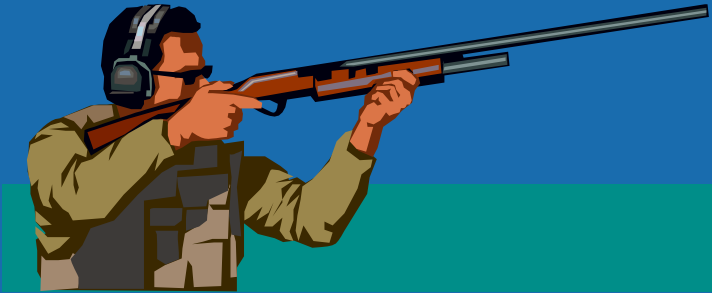
Presented by:
Brian McLean
Dan Zimberoff



Lawyers, Guns and Money

I was gambling in Havana
I took a little risk
Send lawyers, guns and money
They'll get me out of this, hyeah
-Warren Zevon





Guns

- Overview of the legal issue
- Current laws concerning gun control
- Practical considerations for board members when determining scope of regulations
- Implementing/enforcing gun regulations in community associations
- Q&A

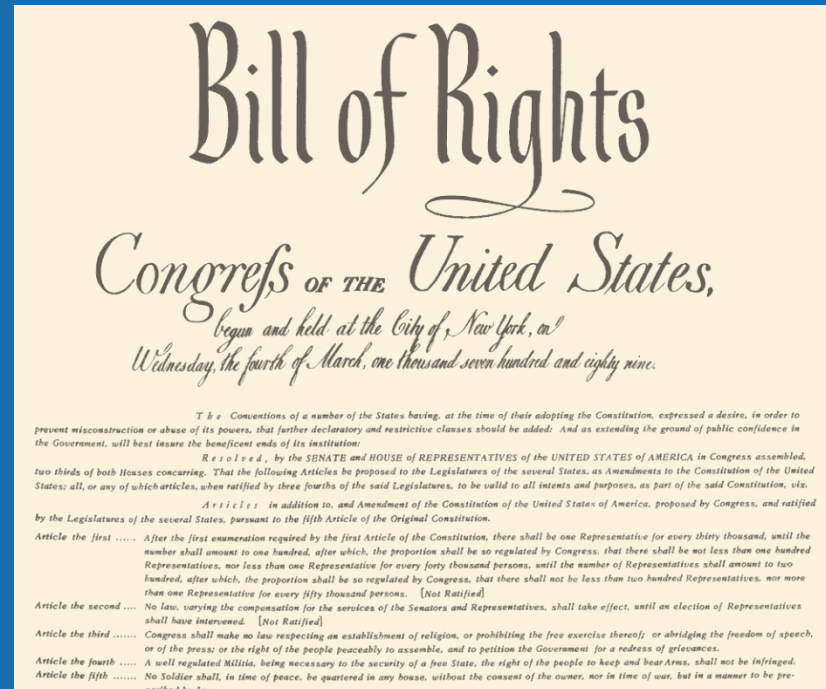
Guns

- Overview



Guns

- Hierarchy of Laws
- Current Laws
 - Federal
 - State
 - Local



Guns

- A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.
 - U.S. Const. amend. II

Guns

- The right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men.
 - Wash. Const. art. I, § 24

Guns

- Gun Ownership at All-Time High, Nation's Murder Rate at Nearly All-Time Low

<http://www.nraila.org/news-issues/fact-sheets/2013/more-guns-less-crime-2013.aspx>



Guns

- The state of Washington hereby fully occupies and preempts the entire field of firearms regulation within the boundaries of the state, including the registration, licensing, possession, purchase, sale, acquisition, transfer, discharge, and transportation of firearms, or any other element relating to firearms or parts thereof, including ammunition and reloader components.
– RCW § 9.41.290

Guns

- Practical Considerations for Boards and Associations
 - May the association act?
 - Should the association act?
 - Must the association act?
 - Restrictions versus Rules
 - The problem with “reasonableness”

Guns

- How to Implement and Enforce Guns Regulations in Community Associations
 - Prohibit Possession?
 - Prohibit Use?
 - Require Background Checks?
 - Require Registration?
 - Regulate Storage?

Guns

- Questions and Answers



Marijuana and Nicotine Use

- Overview of the legal issues
- Current laws regulating marijuana and nicotine use
- Practical considerations for board members when determining scope of regulations
- Enforcing marijuana and nicotine regulations in the community.
- Q&A

Marijuana and Nicotine Use

- Overview



Marijuana and Nicotine Use

- Current laws regulating marijuana and nicotine use
 - “No person may smoke in a public place or in any place of employment.” RCW § 70.160.030



Marijuana and Nicotine Use

- Current laws regulating marijuana and nicotine use
 - “Smoking is prohibited within a presumptively reasonable minimum distance of twenty-five feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited so as to ensure that tobacco smoke does not enter the area through entrances, exits, open windows, or other means....” RCW § 70.160.075



Marijuana and Nicotine Use

- Current laws regulating marijuana and nicotine use
 - “(3) The possession, by a person twenty-one years of age or older, of useable marijuana or marijuana-infused products in amounts that do not exceed those set forth in RCW 69.50.360(3) is not a violation of this section, this chapter, or any other provision of Washington state law.” RCW § 69.50.4013

Marijuana and Nicotine Use

- Current laws regulating marijuana and nicotine use
 - “(a) One ounce of useable marijuana;(b) Sixteen ounces of marijuana-infused product in solid form; or(c) Seventy-two ounces of marijuana-infused product in liquid form.” RCW § 69.50.360(3)

Marijuana and Nicotine Use

- Practical Considerations for Boards and Associations
 - May the association act?
 - Should the association act?
 - Must the association act?
 - Restrictions versus Rules
 - The problem with “reasonableness”

Marijuana and Nicotine Use

- Enforcing marijuana and nicotine regulations in the community



Marijuana and Nicotine Use

- Questions and Answers



Political Sign Displays

- Overview of the legal issue
- Current laws regulating signs in community associations
- Commonplace practices in community associations concerning political signs and displays
- Governing document and policy considerations
- Implementing and regulating political sign/displays in the community.
- Q&A

Political Sign Displays

- Overview of the legal issue



Political Sign Displays

- Current laws regulating signs in community associations
 - (1) The governing documents may not prohibit the outdoor display of political yard signs by an owner or resident on the owner's or resident's property before any primary or general election. The governing documents may include reasonable rules and regulations regarding the placement and manner of display of political yard signs.
 - RCW § 64.38.034

Political Sign Displays

- Common practices in community associations concerning political signs and displays
 - TIME. A Political Yard Sign may be posted from the closing date for filing for an election until ten (10) days after the election.
 - MANNER. A Political Yard Sign shall not exceed the following dimension: a maximum size of thirty-two square feet.

Political Sign Displays

- PLACE. A Political Yard Sign may be placed on private property, or on an immediately adjacent planting strip between the sidewalk and the street, with the consent of the property owner, provided that it does not present a safety hazard to pedestrian or vehicular traffic.

Political Sign Displays

- PLACE. A Political Yard Sign may be placed within public easements or street right-of ways so long as it is not placed in a location or in a manner so as to interfere with traffic or driver vision, impede pedestrian traffic or otherwise present a safety hazard. No Political Yard Sign otherwise permitted by this Policy shall be attached to any utility pole, light pole, tree, municipal or other public agency sign post, or to any building or structure.

Political Sign Displays

- Governing documents and policy considerations
 - What about condominiums?
 - No signs means no signs, right?
 - But if we allow signs the democrats are going to kill the republicans in my community?
 - But if we allow signs the republicans are going to kill the democrats in my community?

Political Sign Displays

- Implementing and regulating political signs and displays in community associations
 - Time
 - Manner
 - Place
- Practice Tip – Look to how State law regulates political signage

Political Sign Displays

- Questions and Answers



Earthquake Insurance

- Scope of Insurance
- Positives and negatives obtaining earthquake insurance for the association
- Board's legal duties regarding insurance coverage and amounts
- Q&A

Earthquake Insurance

- Scope of Insurance



Earthquake Insurance

- Obtaining earthquake insurance for the association
 - Positives
 - Negatives



Earthquake Insurance

- Board's legal duties regarding insurance coverage and amounts

Earthquake Insurance

- Questions and Answers



Hot Topic #1

Solicited from Audience

- Scope of issue
- Legal considerations
- Q&A

Hot Topic #2

Solicited from Audience

- Scope of issue
- Legal considerations
- Q&A

Guns, Money, and

Dan Zimberoff

Barker • Martin
719 2nd Ave. Ste. 1200
Seattle, Washington 98104

t. 206.381.9806 x115

f. 206.381.9807

danzimberoff@barkermartin.com

Brian McLean

Leahy McLean Fjelstad
25 Central Way Ste. 310
Kirkland, WA 98033-6157

t. 425.889.8191 x112

f. 425.889.4794

brianmclean@leahyps.com

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www.caionline.org

1-888-224-4321

www.WSCAI.org

425-778-6378