Washington State Chapter COMMUNITY ASSOCIATIONS INSTITUTE

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



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



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### 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

























- 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



Overview





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



T b c Conventions of a number of the States buving, at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses about be added: And as extending the ground of public confidence in the Covernment, will best insure the baneficent ends of its institution:

 $R = s \circ l = d$ , by the SENATE and HOUSE of REPRESENTITIES of the UNITED STATES of AMBERICA in Congress assembled. How thirds of bath Houses concurring. That the following Articles be proposed to the Legislatures of the several States, as Amendments to the Constitution of the United States; all, or any of which articles, where natified by these fourthen of the said Legislatures, to be valid to all intents, and propose, as part of the said Constitution, viz.

A r i i c | i 1 addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the Original Constitution.

- Article the first ..... After the first enumeration required by the first Article of the Constitution, there shall be one Representative for every thirty thousand, will be marker shall more to one hundred, after which, the proportion shall be so regulated by Congress, that there shall be not less than one hundred Representations, no less than one Representative for every fory Housand persons, will be number of Representatives shall amount to two hundred, after which, the proportion shall be so regulated by Congress. But there shall be not sets than two hundred Representatives, nor more than one Representative (or every fifty Housand persons). First Ratified
- Article the second ... No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened. [Not Ratified]
- Atticle the third ...... Congress shall make no law respecting an establishment of religion, or prohibiling the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Article the fourth ..... A well regulated Millilla, being necessary to the security of a free State, the right of the people to keep and bear Arns, shall not be infringed. Article the fifth ..... No Soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by low.



- 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



 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



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

http://www.nraila.org/news-issues/factsheets/2013/more-guns-less-crime-2013.aspx





 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



- 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"



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



#### Questions and Answers





- 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



### Overview





- 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





- 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



- 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



- 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)



- 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"



• Enforcing marijuana and nicotine regulations in the community







Questions and Answers





- 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.



### • Overview of the legal issue





- 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



- 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.



 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.



 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.



- 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?



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



### Questions and Answers





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



• Scope of Insurance





- Obtaining earthquake insurance for the association
  - Positives
  - Negatives





 Board's legal duties regarding insurance coverage and amounts



#### 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

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