

# Ordinance No. 00170

[\(Council Minutes 98/05/18\)](#)

ORDINANCE NO. 170

AN ORDINANCE of the City Council of the City of Lakewood, Washington amending Chapter 9.22 of the Lakewood Municipal Code and creating a new Chapter 9.04 of the Lakewood Municipal Code, relating to enforcement actions involving geographic restrictions on certain violators - Controlled Substances, and Arrest of Persons Subject to Court Order

Arrest of Persons Subject to Court Order

WHEREAS, the City of Lakewood has adopted a comprehensive criminal code which includes provisions that allow for enforcement action to be taken with respect to certain criminal violators; and,

WHEREAS, among those provisions are sections of the criminal code that address restrictions on certain violators from identified areas of prostitution, affording an emphasis in those areas particularly plagued by such violations; and,

WHEREAS, it would be advantageous for similar emphasis to be available for certain violators with respect to illegal drug related activity, and to specify the authority of the court to enforce its orders imposing similar restrictions on a more individual case basis.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON DO ORDAIN as follows:

SECTION ONE: That a Chapter 9.22 of the Lakewood Municipal Code is hereby created and established to read as follows:

Chapter 9.22

Controlled Substances

Sections:

9.22.010 Marijuana prohibited - Penalties.

9.22.020 Drug paraphernalia prohibited - Penalties.

9.22.030 Loitering with the intent of engaging in drug-related activity.

9.22.040 Designation of anti-drug emphasis areas.9.22.050

9.22.050 Violation of conditions of release, suspension or deferral as separate crime.

9.22.060 Places of illegal drug activity declared public nuisances.9.22.070

Places of illegal drug activity declared public nuisances.9.22.070 Evidence of use for illegal drug purposes.

9.22.080 Conviction as prima facie evidence.9.22.090

Conviction as prima facie evidence.9.22.090 Penalties for maintenance of public nuisance.

9.22.100 Violation - Penalty.

Loitering with the intent of engaging in drug-related activity.

9.22.040 Designation of anti-drug emphasis areas.9.22.050

9.22.050 Violation of conditions of release, suspension or deferral as separate crime.

9.22.060 Places of illegal drug activity declared public nuisances.9.22.070

Places of illegal drug activity declared public nuisances.9.22.070 Evidence of use for illegal drug purposes.

9.22.080 Conviction as prima facie evidence.9.22.090

Conviction as prima facie evidence.9.22.090 Penalties for maintenance of public nuisance.

9.22.100 Violation - Penalty.

Designation of anti-drug emphasis areas.9.22.050 Violation of conditions of release, suspension or deferral as separate crime.

9.22.060 Places of illegal drug activity declared public nuisances.9.22.070

Places of illegal drug activity declared public nuisances.9.22.070 Evidence of use for illegal drug purposes.

9.22.080 Conviction as prima facie evidence.9.22.090

Conviction as prima facie evidence.9.22.090 Penalties for maintenance of public nuisance.

9.22.100 Violation - Penalty.

Violation - Penalty.

9.22.900 Statutes incorporated by reference.

9.22.010 Marijuana prohibited - Penalties.

Except as authorized by the Revised Code of Washington, it is unlawful for any person to manufacture, deliver, grow, or possess marijuana.

A. AMarijuana@ means all parts of the plant of the genus cannabis L., whether growing or not; the seeds thereof; the resins extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of, the mature stalks (except the resins extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

AMarijuana@ means all parts of the plant of the genus cannabis L., whether growing or not; the seeds thereof; the resins extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of, the mature stalks (except the resins extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.B. Any person who violates the provisions of this Section is guilty of a misdemeanor and upon conviction shall be imprisoned in jail for a period not to exceed ninety (90) days or fined an amount not to exceed one thousand dollars (\$1,000) or both such jail time and fine. Provided that any such conviction shall be punished by imprisonment for not less than twenty-four (24) consecutive hours, and by a fine of not less than two hundred fifty dollars (\$250). On a second or subsequent conviction, the fine shall not be less than five hundred dollars (\$500). These fines shall be in addition to any other fine or penalty imposed. Unless the court finds that the imposition of the minimum imprisonment will pose a substantial risk to the defendant's physical or mental well-being or that local jail facilities are in an overcrowded condition, the minimum term of imprisonment shall not be suspended or deferred. If the court finds such risk or overcrowding exists, it shall sentence the defendant to a minimum of forty hours of community service. If a minimum term of imprisonment is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. Unless the court finds the person to be indigent, the minimum fine shall not be suspended or deferred. Any person who violates the provisions of this Section is guilty of a misdemeanor and upon conviction shall be imprisoned in jail for a period not to exceed ninety (90) days or fined an amount not to exceed one thousand dollars (\$1,000) or both such jail time and fine, Provided that any such conviction shall be punished by imprisonment for not less than twenty-four (24) consecutive hours, and by a fine of not less than two hundred fifty dollars (\$250). On a second or subsequent conviction, the fine shall not be less than five hundred dollars (\$500). These fines shall be in addition to any other fine or penalty imposed. Unless the court finds that the imposition of the minimum imprisonment will pose a substantial risk to the defendant's physical or mental well-being or that local jail facilities are in an overcrowded condition, the minimum term of imprisonment shall not be suspended or deferred. If the court finds such risk or overcrowding exists, it shall sentence the defendant to a minimum of forty hours of community service. If a minimum term of

imprisonment is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. Unless the court finds the person to be indigent, the minimum fine shall not be suspended or deferred.. (Ord. 41 ' 1 (part), 1996.)

#### 9.22.020 Drug paraphernalia prohibited - Penalties.

A. It is unlawful for any person to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance.

B. It is unlawful for any person to deliver, possess with intent to deliver or to manufacture with intent to deliver drug paraphernalia, knowing or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance.

C. It is unlawful to place in any newspaper, magazine, handbill or other publication any advertisement, knowing or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

D. Any person who violates the provisions of this Section is guilty of a misdemeanor and upon conviction shall be imprisoned in jail for a period not to exceed ninety (90) days or fined an amount not to exceed one thousand dollars (\$1,000) or both such jail time and fine. Provided that any such conviction shall be punished by imprisonment for not less than twenty-four (24) consecutive hours, and by a fine of not less than two hundred fifty dollars (\$250). On a second or subsequent conviction, the fine shall not be less than five hundred dollars (\$500). These fines shall be in addition to any other fine or penalty imposed. Unless the court finds that the imposition of the minimum imprisonment will pose a substantial risk to the defendant's physical or mental well-being or that local jail facilities are in an overcrowded condition, the minimum term of imprisonment shall not be suspended or deferred. If the court finds such risk or overcrowding exists, it shall sentence the defendant to a minimum of forty hours of community service. If a minimum term of imprisonment is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. Unless the court finds the person to be indigent, the minimum fine shall not be suspended or deferred. Any person who violates the provisions of this Section is guilty of a misdemeanor and upon conviction shall be imprisoned in jail for a period not to exceed ninety (90) days or fined an amount not to exceed one thousand dollars (\$1,000) or both such jail time and fine. Provided that any such conviction shall be punished by imprisonment for not less than twenty-four (24) consecutive hours, and by a fine of not less than two hundred fifty dollars (\$250). On a second or subsequent conviction, the fine shall not be less than five hundred dollars (\$500). These fines shall be in addition to any other fine or penalty imposed. Unless the court finds that the imposition of the minimum imprisonment will pose a substantial risk to the defendant's physical or mental well-being or that local jail facilities are in an overcrowded condition, the minimum term of imprisonment shall not be suspended or deferred. If the court finds such risk or overcrowding exists, it shall sentence the defendant to a minimum of forty hours of community service. If a minimum term of imprisonment is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. Unless the court finds the person to be indigent, the minimum fine shall not be suspended or deferred.. (Ord. 41 ' 1 (part), 1996.)

#### 9.22.030 Loitering with the intent of engaging in drug-related activity.

A. It is unlawful for any person to loiter in or near any thoroughfare, place open to the public, or near any public or private place in a manner and un-der circumstances manifesting the intent to engage in drug-related activity contrary to any of the provisions of Chapters 69.41, 69.50, or 69.52 RCW.B.

It is unlawful for any person to loiter in or near any thoroughfare, place open to the public, or near any public or private place in a manner and un-der circumstances manifesting the intent to engage in drug-related activity contrary to any of the pro-visions of Chapters 69.41, 69.50, or 69.52 RCW.B. Among the circumstances which may be considered in determining whether such intent is manifested are the following: 1. Such person is a known unlawful drug user, possessor, or seller. For purposes of this chap-ter, a Aknown unlawful drug user, possessor, or seller@ is a person who has been convicted in any court within this state of any violation involving the use, possession, or sale of any of the substances referred to in Chapters 69.41, 69.50, and 69.52 RCW, or substantially similar laws of any political subdivision of this state or of any other state; or who is known to have been arrested for a drug related violation not resulting in a conviction because the person participated in a diversionary program, deferral program, Drug Court or a similar program; or a person who displays physical characteristics of drug intoxication or usage, such as Aneedle tracks@; or who possesses marijuana as defined in Section 9.22.010 of this Chapter; or a person who

possesses drug paraphernalia as defined in Section 9.22.020 of this Chapter;2. Such person is currently subject to an order from any court prohibiting his/her presence in a high drug activity geographic area;3. Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is then engaged in an unlawful drug-related activity, including by way of example only, such person acting as a Alookout@; Such person is currently subject to an order from any court prohibiting his/her presence in a high drug activity geographic area;3. Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is then engaged in an unlawful drug-related activity, including by way of example only, such person acting as a Alookout@;4. Such person is physically identified by the officer, based on articulable factors, as a member of a Agang,@ or association which has as its purpose illegal drug activity. Factors that support an officer physically identifying a person as a member of such a gang or association include, but are not limited to clothing, tattoos, known association and/or affiliation with such gang or association, specific and observed acts or circumstances consistent with drug related activity, and gestures, signs, greetings and movements that are consistent with gang related activity. Provided that clothing alone shall not be sufficient, without more, to support an officer physically identifying a person as a member of such a gang or association; Such person is physically identified by the officer, based on articulable factors, as a member of a Agang,@ or association which has as its purpose illegal drug activity. Factors that support an officer physically identifying a person as a member of such a gang or association include, but are not limited to clothing, tattoos, known association and/or affiliation with such gang or association, specific and observed acts or circumstances consistent with drug related activity, and gestures, signs, greetings and movements that are consistent with gang related activity. Provided that clothing alone shall not be sufficient, without more, to support an officer physically identifying a person as a member of such a gang or association;

5. Such person transfers small objects or packages for currency in a furtive fashion;6.

6. Such person takes flight upon the appearance of a police officer;

7. Such person manifestly endeavors to conceal himself or herself or any object which reason-ably could be involved in an unlawful drug-related activity;8.

Such person manifestly endeavors to conceal himself or herself or any object which reason-ably could be involved in an unlawful drug-related activity;8. The area involved is by public repute known to be an area of unlawful drug use and trafficking;

9. The premises involved are known to have been reported to law enforcement as a place sus-pected of drug activity pursuant to Chapter 69.52 RCW;10.

The premises involved are known to have been reported to law enforcement as a place sus-pected of drug activity pursuant to Chapter 69.52 RCW;10. Any vehicle involved is registered to a known unlawful drug user, possessor, or seller, or a person for whom there is an outstanding warrant for a crime involving drug-related activity.

9.22.040 Designation of anti-drug emphasis areas.A. Certain areas of the City shall be designated as and identified to be anti-drug emphasis areas based on the repeat incidents of illegal drug activities occurring therein, and enhanced penalties shall be applied in event of conviction of unlawful drug related acts or loitering for drug purposes, within the said areas. The areas to be so designated shall be identified by the City Council in an Ordinance or Resolution passed after consultation with the City Manager, City Attorney and the chief law enforcement officer of the City, and the list identifying such areas shall be kept on file in the office of the City Clerk. Additional areas may also be identified by the Judge of the Municipal or District Court hearing drug related cases arising from within the City. If a defendant is convicted of a drug related case occurring from within an area designated as an anti-drug emphasis area, a condition or term of sentence, deferral, or suspension, shall be that such defendant shall stay out of all areas of the City designated as an anti-drug emphasis areas, unless there are significant and substantial extenuating circumstances in the defendant=s particular case justifying avoidance of the requirement for such condition or term of sentence, deferral, or suspension. In such case, the significant and substantial extenuating circumstances shall be identified and recited in the record of the case. Such person transfers small objects or packages for currency in a furtive fashion;6. Such person takes flight upon the appearance of a police officer;

7. Such person manifestly endeavors to conceal himself or herself or any object which reason-ably could be involved in an unlawful drug-related activity;8.

Such person manifestly endeavors to conceal himself or herself or any object which reason-ably could be involved in an unlawful drug-related activity;8. The area involved is by public repute known to be an area of unlawful drug use and trafficking;

9. The premises involved are known to have been reported to law enforcement as a place sus-pected of drug activity pursuant to Chapter 69.52 RCW;10.

The premises involved are known to have been reported to law enforcement as a place sus-pected of drug activity pursuant to

Chapter 69.52 RCW:10. Any vehicle involved is registered to a known unlawful drug user, possessor, or seller, or a person for whom there is an outstanding warrant for a crime involving drug-related activity.

9.22.040 Designation of anti-drug emphasis areas.A. Certain areas of the City shall be designated as and identified to be anti-drug emphasis areas based on the repeat incidents of illegal drug activities occurring therein, and enhanced penalties shall be applied in event of conviction of unlawful drug related acts or loitering for drug purposes, within the said areas. The areas to be so designated shall be identified by the City Council in an Ordinance or Resolution passed after consultation with the City Manager, City Attorney and the chief law enforcement officer of the City, and the list identifying such areas shall be kept on file in the office of the City Clerk. Additional areas may also be identified by the Judge of the Municipal or District Court hearing drug related cases arising from within the City. If a defendant is convicted of a drug related case occurring from within an area designated as an anti-drug emphasis area, a condition or term of sentence, deferral, or suspension, shall be that such defendant shall stay out of all areas of the City designated as an anti-drug emphasis areas, unless there are significant and substantial extenuating circumstances in the defendant=s particular case justifying avoidance of the requirement for such condition or term of sentence, deferral, or suspension. In such case, the significant and substantial extenuating circumstances shall be identified and recited in the record of the case. Such person is a known unlawful drug user, possessor, or seller. For purposes of this chap-ter, a Aknown unlawful drug user, possessor, or seller@ is a person who has been convicted in any court within this state of any violation involving the use, possession, or sale of any of the substances referred to in Chapters 69.41, 69.50, and 69.52 RCW, or substantially similar laws of any political subdivision of this state or of any other state; or who is known to have been arrested for a drug related violation not resulting in a conviction because the person participated in a diversionary program, deferral program, Drug Court or a similar program; or a person who displays physical characteristics of drug intoxication or usage, such as Aneedle tracks@; or who possesses marijuana as defined in Section 9.22.010 of this Chapter; or a person who possesses drug paraphernalia as defined in Section 9.22.020 of this Chapter; Loitering with the intent of engaging in drug-related activity.

A. It is unlawful for any person to loiter in or near any thoroughfare, place open to the public, or near any public or private place in a manner and un-der circumstances manifesting the intent to engage in drug-related activity contrary to any of the provisions of Chapters 69.41, 69.50, or 69.52 RCW.B.

It is unlawful for any person to loiter in or near any thoroughfare, place open to the public, or near any public or private place in a manner and un-der circumstances manifesting the intent to engage in drug-related activity contrary to any of the pro-visions of Chapters 69.41, 69.50, or 69.52 RCW.B. Among the circumstances which may be considered in determining whether such intent is manifested are the following: 1. Such person is a known unlawful drug user, possessor, or seller. For purposes of this chap-ter, a Aknown unlawful drug user, possessor, or seller@ is a person who has been convicted in any court within this state of any violation involving the use, possession, or sale of any of the substances referred to in Chapters 69.41, 69.50, and 69.52 RCW, or substantially similar laws of any political subdivision of this state or of any other state; or who is known to have been arrested for a drug related violation not resulting in a conviction because the person participated in a diversionary program, deferral program, Drug Court or a similar program; or a person who displays physical characteristics of drug intoxication or usage, such as Aneedle tracks@; or who possesses marijuana as defined in Section 9.22.010 of this Chapter; or a person who possesses drug paraphernalia as defined in Section 9.22.020 of this Chapter;2. Such person is currently subject to an order from any court prohibiting his/her presence in a high drug activity geographic area;3. Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is then engaged in an unlawful drug-related activity, including by way of example only, such person acting as a Alookout@; Such person is currently subject to an order from any court prohibiting his/her presence in a high drug activity geographic area;3. Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is then engaged in an unlawful drug-related activity, including by way of example only, such person acting as a Alookout@;4. Such person is physically identified by the officer, based on articulable factors, as a member of a Agang,@ or association which has as its purpose illegal drug activity. Factors that support an officer physically identifying a person as a member of such a gang or association include, but are not limited to clothing, tattoos, known association and/or affiliation with such gang or association, specific and observed acts or circumstances consistent with drug related activity, and gestures, signs, greetings and movements that are consistent with gang related activity. Provided that clothing alone shall not be sufficient, without more, to support an officer physically identifying a person as a member of such a gang or association; Such person is physically identified by the officer, based on articulable factors, as a member of a Agang,@ or association which has as its purpose illegal drug activity. Factors that support an officer physically identifying a person as a member of such a gang or association include, but are not limited to clothing, tattoos, known association and/or affiliation with such gang or association, specific and observed acts or circumstances consistent with drug related activity, and gestures, signs, greetings and movements that are consistent with gang related activity. Provided that clothing alone shall not be sufficient, without more, to support an officer physically identifying a person as a member of such a gang or association;

5. Such person transfers small objects or packages for currency in a furtive fashion;6.

6. Such person takes flight upon the appearance of a police officer;

7. Such person manifestly endeavors to conceal himself or herself or any object which reason-ably could be involved in an unlawful drug-related activity;8.

Such person manifestly endeavors to conceal himself or herself or any object which reason-ably could be involved in an unlawful drug-related activity;8. The area involved is by public repute known to be an area of unlawful drug use and trafficking;

9. The premises involved are known to have been reported to law enforcement as a place sus-pected of drug activity pursuant to Chapter 69.52 RCW;10.

The premises involved are known to have been reported to law enforcement as a place sus-pected of drug activity pursuant to Chapter 69.52 RCW;10. Any vehicle involved is registered to a known unlawful drug user, possessor, or seller, or a person for whom there is an outstanding warrant for a crime involving drug-related activity.

9.22.040 Designation of anti-drug emphasis areas.A. Certain areas of the City shall be designated as and identified to be anti-drug emphasis areas based on the repeat incidents of illegal drug activities occurring therein, and enhanced penalties shall be applied in event of conviction of unlawful drug related acts or loitering for drug purposes, within the said areas. The areas to be so designated shall be identified by the City Council in an Ordinance or Resolution passed after consultation with the City Manager, City Attorney and the chief law enforcement officer of the City, and the list identifying such areas shall be kept on file in the office of the City Clerk. Additional areas may also be identified by the Judge of the Municipal or District Court hearing drug related cases arising from within the City. If a defendant is convicted of a drug related case occurring from within an area designated as an anti-drug emphasis area, a condition or term of sentence, deferral, or suspension, shall be that such defendant shall stay out of all areas of the City designated as an anti-drug emphasis areas, unless there are significant and substantial extenuating circumstances in the defendant=s particular case justifying avoidance of the requirement for such condition or term of sentence, deferral, or suspension. In such case, the significant and substantial extenuating circumstances shall be identified and recited in the record of the case. Such person transfers small objects or packages for currency in a furtive fashion;6. Such person takes flight upon the appearance of a police officer;

7. Such person manifestly endeavors to conceal himself or herself or any object which reason-ably could be involved in an unlawful drug-related activity;8.

Such person manifestly endeavors to conceal himself or herself or any object which reason-ably could be involved in an unlawful drug-related activity;8. The area involved is by public repute known to be an area of unlawful drug use and trafficking;

9. The premises involved are known to have been reported to law enforcement as a place sus-pected of drug activity pursuant to Chapter 69.52 RCW;10.

The premises involved are known to have been reported to law enforcement as a place sus-pected of drug activity pursuant to Chapter 69.52 RCW;10. Any vehicle involved is registered to a known unlawful drug user, possessor, or seller, or a person for whom there is an outstanding warrant for a crime involving drug-related activity.

9.22.040 Designation of anti-drug emphasis areas.A. Certain areas of the City shall be designated as and identified to be anti-drug emphasis areas based on the repeat incidents of illegal drug activities occurring therein, and enhanced penalties shall be applied in event of conviction of unlawful drug related acts or loitering for drug purposes, within the said areas. The areas to be so designated shall be identified by the City Council in an Ordinance or Resolution passed after consultation with the City Manager, City Attorney and the chief law enforcement officer of the City, and the list identifying such areas shall be kept on file in the office of the City Clerk. Additional areas may also be identified by the Judge of the Municipal or District Court hearing drug related cases arising from within the City. If a defendant is convicted of a drug related case occurring from within an area designated as an anti-drug emphasis area, a condition or term of sentence, deferral, or suspension, shall be that such defendant shall stay out of all areas of the City designated as an anti-drug emphasis areas, unless there are significant and substantial extenuating circumstances in the defendant=s particular case justifying avoidance of the requirement for such condition or term of sentence, deferral, or suspension. In such case, the significant and substantial extenuating circumstances shall be identified and recited in the record of the case. Such person is a known unlawful drug user, possessor, or seller. For purposes of this chap-ter, a Aknown unlawful drug user, possessor, or seller@ is a person who has been convicted in any court within this state of any violation involving the use, possession, or sale of any of the substances referred to in Chapters 69.41, 69.50, and 69.52 RCW, or substantially similar laws of any political subdivision of this state or of any other state; or who is known to have been arrested for a drug related violation not resulting in a conviction because the person participated in a

diversionary program, deferral program, Drug Court or a similar program; or a person who displays physical characteristics of drug intoxication or usage, such as Aneedle tracks@; or who possesses marijuana as defined in Section 9.22.010 of this Chapter; or a person who possesses drug paraphernalia as defined in Section 9.22.020 of this Chapter;2. Such person is currently subject to an order from any court prohibiting his/her presence in a high drug activity geographic area;3. Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is then engaged in an unlawful drug-related activity, including by way of example only, such person acting as a Alookout@; Such person is currently subject to an order from any court prohibiting his/her presence in a high drug activity geographic area;3. Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is then engaged in an unlawful drug-related activity, including by way of example only, such person acting as a Alookout@;4. Such person is physically identified by the officer, based on articulable factors, as a member of a Agang,@ or association which has as its purpose illegal drug activity. Factors that support an officer physically identifying a person as a member of such a gang or association include, but are not limited to clothing, tattoos, known association and/or affiliation with such gang or association, specific and observed acts or circumstances consistent with drug related activity, and gestures, signs, greetings and movements that are consistent with gang related activity, Provided that clothing alone shall not be sufficient, without more, to support an officer physically identifying a person as a member of such a gang or association; Such person is physically identified by the officer, based on articulable factors, as a member of a Agang,@ or association which has as its purpose illegal drug activity. Factors that support an officer physically identifying a person as a member of such a gang or association include, but are not limited to clothing, tattoos, known association and/or affiliation with such gang or association, specific and observed acts or circumstances consistent with drug related activity, and gestures, signs, greetings and movements that are consistent with gang related activity, Provided that clothing alone shall not be sufficient, without more, to support an officer physically identifying a person as a member of such a gang or association;

5. Such person transfers small objects or packages for currency in a furtive fashion;6.

6. Such person takes flight upon the appearance of a police officer;

7. Such person manifestly endeavors to conceal himself or herself or any object which reason-ably could be involved in an unlawful drug-related activity;8.

Such person manifestly endeavors to conceal himself or herself or any object which reason-ably could be involved in an unlawful drug-related activity;8. The area involved is by public repute known to be an area of unlawful drug use and trafficking;

9. The premises involved are known to have been reported to law enforcement as a place sus-pected of drug activity pursuant to Chapter 69.52 RCW;10.

The premises involved are known to have been reported to law enforcement as a place sus-pected of drug activity pursuant to Chapter 69.52 RCW;10. Any vehicle involved is registered to a known unlawful drug user, possessor, or seller, or a person for whom there is an outstanding warrant for a crime involving drug-related activity.

9.22.040 Designation of anti-drug emphasis areas.A. Certain areas of the City shall be designated as and identified to be anti-drug emphasis areas based on the repeat incidents of illegal drug activities occurring therein, and enhanced penalties shall be applied in event of conviction of unlawful drug related acts or loitering for drug purposes, within the said areas. The areas to be so designated shall be identified by the City Council in an Ordinance or Resolution passed after consultation with the City Manager, City Attorney and the chief law enforcement officer of the City, and the list identifying such areas shall be kept on file in the office of the City Clerk. Additional areas may also be identified by the Judge of the Municipal or District Court hearing drug related cases arising from within the City. If a defendant is convicted of a drug related case occurring from within an area designated as an anti-drug emphasis area, a condition or term of sentence, deferral, or suspension, shall be that such defendant shall stay out of all areas of the City designated as an anti-drug emphasis areas, unless there are significant and substantial extenuating circumstances in the defendant=s particular case justifying avoidance of the requirement for such condition or term of sentence, deferral, or suspension. In such case, the significant and substantial extenuating circumstances shall be identified and recited in the record of the case. Such person transfers small objects or packages for currency in a furtive fashion;6. Such person takes flight upon the appearance of a police officer;

7. Such person manifestly endeavors to conceal himself or herself or any object which reason-ably could be involved in an unlawful drug-related activity;8.

Such person manifestly endeavors to conceal himself or herself or any object which reason-ably could be involved in an unlawful drug-related activity;8. The area involved is by public repute known to be an area of unlawful drug use and trafficking;

9. The premises involved are known to have been reported to law enforcement as a place sus-pected of drug activity pursuant

to Chapter 69.52 RCW;10.

The premises involved are known to have been reported to law enforcement as a place suspected of drug activity pursuant to Chapter 69.52 RCW;10. Any vehicle involved is registered to a known unlawful drug user, possessor, or seller, or a person for whom there is an outstanding warrant for a crime involving drug-related activity.

9.22.040 Designation of anti-drug emphasis areas.A. Certain areas of the City shall be designated as and identified to be anti-drug emphasis areas based on the repeat incidents of illegal drug activities occurring therein, and enhanced penalties shall be applied in event of conviction of unlawful drug related acts or loitering for drug purposes, within the said areas. The areas to be so designated shall be identified by the City Council in an Ordinance or Resolution passed after consultation with the City Manager, City Attorney and the chief law enforcement officer of the City, and the list identifying such areas shall be kept on file in the office of the City Clerk. Additional areas may also be identified by the Judge of the Municipal or District Court hearing drug related cases arising from within the City. If a defendant is convicted of a drug related case occurring from within an area designated as an anti-drug emphasis area, a condition or term of sentence, deferral, or suspension, shall be that such defendant shall stay out of all areas of the City designated as an anti-drug emphasis areas, unless there are significant and substantial extenuating circumstances in the defendant=s particular case justifying avoidance of the requirement for such condition or term of sentence, deferral, or suspension. In such case, the significant and substantial extenuating circumstances shall be identified and recited in the record of the case. Designation of anti-drug emphasis areas.A. Certain areas of the City shall be designated as and identified to be anti-drug emphasis areas based on the repeat incidents of illegal drug activities occurring therein, and enhanced penalties shall be applied in event of conviction of unlawful drug related acts or loitering for drug purposes, within the said areas. The areas to be so designated shall be identified by the City Council in an Ordinance or Resolution passed after consultation with the City Manager, City Attorney and the chief law enforcement officer of the City, and the list identifying such areas shall be kept on file in the office of the City Clerk. Additional areas may also be identified by the Judge of the Municipal or District Court hearing drug related cases arising from within the City. If a defendant is convicted of a drug related case occurring from within an area designated as an anti-drug emphasis area, a condition or term of sentence, deferral, or suspension, shall be that such defendant shall stay out of all areas of the City designated as an anti-drug emphasis areas, unless there are significant and substantial extenuating circumstances in the defendant=s particular case justifying avoidance of the requirement for such condition or term of sentence, deferral, or suspension. In such case, the significant and substantial extenuating circumstances shall be identified and recited in the record of the case.B. The following areas are hereby designated as and identified to be anti-drug emphasis areas:

Area A. South Tacoma Way/pacific Highway Southwest Business District:

Starting at the northern edge of 80th Street Southwest and extending 300 feet to the east and 300 feet to the west of the centerline of South Tacoma Way and following South Tacoma Way to Pacific Highway Southeast then south on Pacific Highway Southwest 300 feet to the west of the center of Pacific Highway Southwest and to the perimeter fence for the southbound lanes of Interstate 5 to the east and extending to the southeastern corner of the intersection of Gravelly Lake Drive Southwest and Pacific Highway Southwest.

Area B. Tillicum Area:

Starting at the place where American Lake and Washington State National Guard Camp Murray (State Military Encampment Grounds as filed with Pierce County Auditor on 21 June 1921) intersect then northeasterly along shore of American Lake to place where northwestern border of Harry Todd County Park and American Lake intersect then northeasterly along the northern border of Harry Todd County Park to the place where North Thorne Lane Southwest and Harry Todd County Park intersect then 300 feet northeasterly of the center of North Thorne Lane Southwest and proceeding southeasterly along said 300 foot buffer along North Thorne Lane Southwest to the place where the perimeter fence of southbound Interstate 5 intersect and then proceeding in a southwesterly direction along the perimeter fence of the southbound lanes of Interstate 5 to the place where southwestern point of the perimeter fence of the southbound lanes of Interstate 5 and southeastern boundary of Washington State National Guards Camp Murray intersect (also known as the westerly right of way of Berkeley Street SW) then northwesterly along said right of way of Berkeley Street SW to the south line of the north half of Section 21, Township 19N, range 2E, WM then west along said south line a distance of 685 feet more or less to the southeasterly right of way line of Washington Ave. SW being on the boundary of Washington State National Guard Camp Murray then northeasterly on said right of way of Washington Ave. SW to the southwesterly right of way of Boundary St SW according to the Plat of AAmerican

Lake Addition@ to Pierce County as file with the Pierce County Auditor on Oct 2, 1908 then northwesterly along said southwesterly right of way of Boundary St SW to southeasterly right of way line of Military Ave. SW then southwesterly along said southeasterly right of way of Military Ave. SW to the southwesterly right of way line of Stanley St SW also being the turning point on the Washington State National Guard Camp Murray boundary then northwesterly along said southwesterly right of way line of Stanley St SW to the northwesterly right of way line of Woodlawn Ave. SW said point being a turning point on the Washington State National Guard Camp Murray boundary then southwesterly on a bearing of 49E38=30@ west 150 feet more or less being an extension of said northwesterly right of way line of Woodlawn Ave. SW to a turning point on the Washington State National Guard Camp Murray boundary then northwesterly on a bearing of 40E04=35@ west along the northeasterly boundary of Washington State National Guard Camp Murray to place where northeasterly boundary of Washington State National Guard Camp Murray and American Lake intersect.

#### Area C. Bridgeport Way Southwest Area:

Starting at the northern edge of the intersection of Gravelly Lake Drive Southwest and Bridgeport Way Southwest and then extending 300 feet to the east and 300 to the west of the center of Bridgeport Way Southwest from Gravelly Lake Drive Southwest to the western edge of the Southbound Interstate 5.

#### Area D. Lakeview Area:

Starting at the northern edge of 100th Street Southwest starting at the northwest corner of the intersection of Bridgeport Way Southwest and 100th Street Southwest and proceeding south to Pacific Highway Southwest and then northeasterly to the intersection of Pacific Highway Southwest and the Burlington Northern Railroad tracks and then north on the western edge of the Burlington Northern railroad tracks to the intersection of the Burlington Northern Railroad tracks and 100th Street Southwest and then westerly along the northern edge of 100th Street Southwest to the northwest corner of 100th Street Southwest and Bridgeport Way Southwest.

#### Area E. McChord Gate Area:

Starting at the southern intersection of New York Street Southwest and the perimeter fence of the northbound lanes of Interstate 5 and then proceeding along the north side of the McChord Air Force Base fence to the Burlington Northern railroad track and then northerly along the western edge of the Burlington Northern railroad track to a point where the railroad track intersect with the perimeter fence of the northbound lanes of Interstate 5 and then southwesterly to the southern intersection of New York Street Southwest and the Perimeter fence.

#### Area F. Woodbrook Area:

Starting at the northwest corner of the intersection on North Thorne Lane and the southern boundary of McChord Air Force Base and then extending south along the western edge of 80th Avenue Southwest (Murray Road) to the southwestern point where 80th Avenue Southwest (Murray Road) and the Fort Lewis Logistics Center intersect and then east along the northern boundary of the Fort Lewis Logistics Center parallel to 150th Street Southwest to the place where McChord Air Force Base and Ft. Lewis Army base intersect and then north along the eastern boundary of McChord Air Force Base parallel to Woodbrook Drive Southwest and then west along the southern boundary of McChord Air Force Base Housing to the intersection of McChord Air Force Base and North Thorne Lane Southwest.

9.22.050 Violation of conditions of release, suspension or deferral as separate crime.A. The presence of any person within an anti-drug emphasis area in violation of court-imposed conditions of release or conditions of suspension or deferral of any sentence shall constitute a separate crime hereby designated a gross misdemeanor and any such person may be apprehended and arrested without the necessity for any warrant or additional court order. Upon conviction, any person so violating the conditions of release or conditions of suspension or deferral shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than one (1) year, or by a fine in an amount fixed by the court of not more than five thousand dollars (\$5,000.00), or by both such imprisonment and fine.

9.22.060 Places of illegal drug activity declared public nuisances.Any building, structure or place within the City used for drug

related activity or for loitering with the intent of engaging in drug-related activity as defined in this Chapter is hereby declared to be a public nuisance.

9.22.070 Evidence of use for illegal drug purposes.

A. Two or more criminal convictions of persons for drug related offenses in a building, structure or place, within the one-year period preceding the commencement of an action under this Chapter shall give rise to a rebuttable presumption that the building, structure or place has been used for illegal drug purposes and is a public nuisance. In any action under this Chapter, evidence of the common fame and general reputation of the building or place, of the inmates or occupants thereof, or of those resorting thereto, shall be admissible as evidence to prove the existence of the public nuisance but must be supported by additional evidence. Evidence of the general reputation of the building or place, or of the inmates or occupants thereof that is sufficient to establish the existence of the public nuisance, shall be prima facie evidence of knowledge thereof and acquiescence and participation therein and responsibility for the nuisance by persons or legal entities having an interest in the property. Responsibility for the nuisance shall extend to the owners, lessors, lessees and all those in interest in any form in the property, real or personal, used in conducting or maintaining the public nuisance.

B. Evidence of cooperation by owners, agents or managers of a building or place with police investigations or operations to control drug related activity may be used to rebut the presumptions created in this Chapter.

9.22.080 Conviction as prima facie evidence. Any conviction of any owner, manager, operator, agent or employee for any illegal drug activity, or for The following areas are hereby designated as and identified to be anti-drug emphasis areas:

Area A. South Tacoma Way/pacific Highway Southwest Business District:

Starting at the northern edge of 80th Street Southwest and extending 300 feet to the east and 300 feet to the west of the centerline of South Tacoma Way and following South Tacoma Way to Pacific Highway Southeast then south on Pacific Highway Southwest 300 feet to the west of the center of Pacific Highway Southwest and to the perimeter fence for the southbound lanes of Interstate 5 to the east and extending to the southeastern corner of the intersection of Gravelly Lake Drive Southwest and Pacific Highway Southwest.

Area B. Tillicum Area:

Starting at the place where American Lake and Washington State National Guard Camp Murray (State Military Encampment Grounds as filed with Pierce County Auditor on 21 June 1921) intersect then northeasterly along shore of American Lake to place where northwestern border of Harry Todd County Park and American Lake intersect then northeasterly along the northern border of Harry Todd County Park to the place where North Thorne Lane Southwest and Harry Todd County Park intersect then 300 feet northeasterly of the center of North Thorne Lane Southwest and proceeding southeasterly along said 300 foot buffer along North Thorne Lane Southwest to the place where the perimeter fence of southbound Interstate 5 intersect and then proceeding in a southwesterly direction along the perimeter fence of the southbound lanes of Interstate 5 to the place where southwestern point of the perimeter fence of the southbound lanes of Interstate 5 and southeastern boundary of Washington State National Guards Camp Murray intersect (also known as the westerly right of way of Berkeley Street SW) then northwesterly along said right of way of Berkeley Street SW to the south line of the north half of Section 21, Township 19N, range 2E, WM then west along said south line a distance of 685 feet more or less to the southeasterly right of way line of Washington Ave. SW being on the boundary of Washington State National Guard Camp Murray then northeasterly on said right of way of Washington Ave. SW to the southwesterly right of way of Boundary St SW according to the Plat of AAmerican Lake Addition@ to Pierce County as file with the Pierce County Auditor on Oct 2, 1908 then northwesterly along said southwesterly right of way of Boundary St SW to southeasterly right of way line of Military Ave. SW then southwesterly along said southeasterly right of way of Military Ave. SW to the southwesterly right of way line of Stanley St SW also being the turning point on the Washington State National Guard Camp Murray boundary then northwesterly along said southwesterly right of way line of Stanley St SW to the northwesterly right of way line of Woodlawn Ave. SW said point being a turning point on the Washington State National Guard Camp Murray boundary then southwesterly on a bearing of 49E38=30@ west 150 feet more or less being an extension of said northwesterly right of way line of Woodlawn Ave. SW to a turning point on the Washington State National Guard Camp Murray boundary then northwesterly on a bearing of 40E04=35@ west along the northeasterly

boundary of Washington State National Guard Camp Murray to place where northeasterly boundary of Washington State National Guard Camp Murray and American Lake intersect.

#### Area C. Bridgeport Way Southwest Area:

Starting at the northern edge of the intersection of Gravelly Lake Drive Southwest and Bridgeport Way Southwest and then extending 300 feet to the east and 300 to the west of the center of Bridgeport Way Southwest from Gravelly Lake Drive Southwest to the western edge of the Southbound Interstate 5.

#### Area D. Lakeview Area:

Starting at the northern edge of 100th Street Southwest starting at the northwest corner of the intersection of Bridgeport Way Southwest and 100th Street Southwest and proceeding south to Pacific Highway Southwest and then northeasterly to the intersection of Pacific Highway Southwest and the Burlington Northern Railroad tracks and then north on the western edge of the Burlington Northern railroad tracks to the intersection of the Burlington Northern Railroad tracks and 100th Street Southwest and then westerly along the northern edge of 100th Street Southwest to the northwest corner of 100th Street Southwest and Bridgeport Way Southwest.

#### Area E. McChord Gate Area:

Starting at the southern intersection of New York Street Southwest and the perimeter fence of the northbound lanes of Interstate 5 and then proceeding along the north side of the McChord Air Force Base fence to the Burlington Northern railroad track and then northerly along the western edge of the Burlington Northern railroad track to a point where the railroad track intersect with the perimeter fence of the northbound lanes of Interstate 5 and then southwesterly to the southern intersection of New York Street Southwest and the Perimeter fence.

#### Area F. Woodbrook Area:

Starting at the northwest corner of the intersection on North Thorne Lane and the southern boundary of McChord Air Force Base and then extending south along the western edge of 80th Avenue Southwest (Murray Road) to the southwestern point where 80th Avenue Southwest (Murray Road) and the Fort Lewis Logistics Center intersect and then east along the northern boundary of the Fort Lewis Logistics Center parallel to 150th Street Southwest to the place where McChord Air Force Base and Ft. Lewis Army base intersect and then north along the eastern boundary of McChord Air Force Base parallel to Woodbrook Drive Southwest and then west along the southern boundary of McChord Air Force Base Housing to the intersection of McChord Air Force Base and North Thorne Lane Southwest.

9.22.050 Violation of conditions of release, suspension or deferral as separate crime.A. The presence of any person within an anti-drug emphasis area in violation of court-imposed conditions of release or conditions of suspension or deferral of any sentence shall constitute a separate crime hereby designated a gross misdemeanor and any such person may be apprehended and arrested without the necessity for any warrant or additional court order. Upon conviction, any person so violating the conditions of release or conditions of suspension or deferral shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than one (1) year, or by a fine in an amount fixed by the court of not more than five thousand dollars (\$5,000.00), or by both such imprisonment and fine.

9.22.060 Places of illegal drug activity declared public nuisances.Any building, structure or place within the City used for drug related activity or for loitering with the intent of engaging in drug-related activity as defined in this Chapter is hereby declared to be a public nuisance.

9.22.070 Evidence of use for illegal drug purposes.

A. Two or more criminal convictions of persons for drug related offenses in a building, structure or place, within the one-year period preceding the commencement of an action under this Chapter shall give rise to a rebuttable presumption that the

building, structure or place has been used for illegal drug purposes and is a public nuisance. In any action under this Chapter, evidence of the common fame and general reputation of the building or place, of the inmates or occupants thereof, or of those resorting thereto, shall be admissible as evidence to prove the existence of the public nuisance but must be supported by additional evidence. Evidence of the general reputation of the building or place, or of the inmates or occupants thereof that is sufficient to establish the existence of the public nuisance, shall be prima facie evidence of knowledge thereof and acquiescence and participation therein and responsibility for the nuisance by persons or legal entities having an interest in the property. Responsibility for the nuisance shall extend to the owners, lessors, lessees and all those in interest in any form in the property, real or personal, used in conducting or maintaining the public nuisance.

B. Evidence of cooperation by owners, agents or managers of a building or place with police investigations or operations to control drug related activity may be used to rebut the presumptions created in this Chapter.

9.22.080 Conviction as prima facie evidence. Any conviction of any owner, manager, operator, agent or employee for any illegal drug activity, or for Violation of conditions of release, suspension or deferral as separate crime. A. The presence of any person within an anti-drug emphasis area in violation of court-imposed conditions of release or conditions of suspension or deferral of any sentence shall constitute a separate crime hereby designated a gross misdemeanor and any such person may be apprehended and arrested without the necessity for any warrant or additional court order. Upon conviction, any person so violating the conditions of release or conditions of suspension or deferral shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than one (1) year, or by a fine in an amount fixed by the court of not more than five thousand dollars (\$5,000.00), or by both such imprisonment and fine.

9.22.060 Places of illegal drug activity declared public nuisances. Any building, structure or place within the City used for drug related activity or for loitering with the intent of engaging in drug-related activity as defined in this Chapter is hereby declared to be a public nuisance.

9.22.070 Evidence of use for illegal drug purposes.

A. Two or more criminal convictions of persons for drug related offenses in a building, structure or place, within the one-year period preceding the commencement of an action under this Chapter shall give rise to a rebuttable presumption that the building, structure or place has been used for illegal drug purposes and is a public nuisance. In any action under this Chapter, evidence of the common fame and general reputation of the building or place, of the inmates or occupants thereof, or of those resorting thereto, shall be admissible as evidence to prove the existence of the public nuisance but must be supported by additional evidence. Evidence of the general reputation of the building or place, or of the inmates or occupants thereof that is sufficient to establish the existence of the public nuisance, shall be prima facie evidence of knowledge thereof and acquiescence and participation therein and responsibility for the nuisance by persons or legal entities having an interest in the property. Responsibility for the nuisance shall extend to the owners, lessors, lessees and all those in interest in any form in the property, real or personal, used in conducting or maintaining the public nuisance.

B. Evidence of cooperation by owners, agents or managers of a building or place with police investigations or operations to control drug related activity may be used to rebut the presumptions created in this Chapter.

9.22.080 Conviction as prima facie evidence. Any conviction of any owner, manager, operator, agent or employee for any illegal drug activity, or for Evidence of use for illegal drug purposes.

A. Two or more criminal convictions of persons for drug related offenses in a building, structure or place, within the one-year period preceding the commencement of an action under this Chapter shall give rise to a rebuttable presumption that the building, structure or place has been used for illegal drug purposes and is a public nuisance. In any action under this Chapter, evidence of the common fame and general reputation of the building or place, of the inmates or occupants thereof, or of those resorting thereto, shall be admissible as evidence to prove the existence of the public nuisance but must be supported by additional evidence. Evidence of the general reputation of the building or place, or of the inmates or occupants thereof that is sufficient to establish the existence of the public nuisance, shall be prima facie evidence of knowledge thereof and acquiescence and participation therein and responsibility for the nuisance by persons or legal entities having an interest in the property. Responsibility for the nuisance shall extend to the owners, lessors, lessees and all those in interest in any form in the property, real or personal, used in conducting or maintaining the public nuisance.

B. Evidence of cooperation by owners, agents or managers of a building or place with police investigations or operations to control drug related activity may be used to rebut the presumptions created in this Chapter.

9.22.080 Conviction as prima facie evidence. Any conviction of any owner, manager, operator, agent or employee for any illegal drug activity, or for loitering with the intent of engaging in drug-related activity, when such offense was related to any business or commercial enterprise, shall be prima facie evidence that the building, structure or place upon or in which business or commercial enterprise is or was conducted, was used for illegal drug activities.

9.22.090 Penalties for maintenance of public nuisance.

Maintenance of a public nuisance as declared herein, in addition to any other civil or criminal penalties, shall result in a civil penalty not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for a first conviction of maintaining a public nuisance and by abatement by closure of such business or commercial enterprise for the period of thirty (30) days for each subsequent conviction of maintaining a public nuisance.

9.22.100 Violation - Penalty.

Unless otherwise specifically provided otherwise, any person who violates the provisions of this Chapter is guilty of a gross misdemeanor and, upon conviction, shall be imprisoned in jail for a period of up to one year or fined an amount of not more than \$5,000 or both such jail time and fine.

Penalties for maintenance of public nuisance.

Maintenance of a public nuisance as declared herein, in addition to any other civil or criminal penalties, shall result in a civil penalty not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for a first conviction of maintaining a public nuisance and by abatement by closure of such business or commercial enterprise for the period of thirty (30) days for each subsequent conviction of maintaining a public nuisance.

9.22.100 Violation - Penalty.

Unless otherwise specifically provided otherwise, any person who violates the provisions of this Chapter is guilty of a gross misdemeanor and, upon conviction, shall be imprisoned in jail for a period of up to one year or fined an amount of not more than \$5,000 or both such jail time and fine.

Violation - Penalty.

Unless otherwise specifically provided otherwise, any person who violates the provisions of this Chapter is guilty of a gross misdemeanor and, upon conviction, shall be imprisoned in jail for a period of up to one year or fined an amount of not more than \$5,000 or both such jail time and fine.

9.22.900 Statutes incorporated by reference.

The following statutes are incorporated in this Chapter by reference:

RCW 9.47A.010 (Definitions [Inhaling toxic fumes])

RCW 9.47A.020 (Unlawful inhalation - Exceptions)

RCW 9.47A.030 (Possession of certain substances prohibited - When)

RCW 9.47A.040 (Sale of certain substances prohibited - When)

(Ord. 41 ' 1 (part), 1996.)

SECTION TWO: That a new Chapter 9.04 of the Lakewood Municipal Code is hereby adopted to read as follows:

Chapter 9.04

Arrest of Persons Subject to

Court Order

Sections:

9.04.010 Person subject to court order defined.

9.04.020 Authority to arrest.

9.04.010 Person subject to court order defined.

As used in this chapter, "person subject to court order" means any person, adult or juvenile, currently subject to an order issued by any court in connection with a criminal charge or conviction which regulates his/her conduct within the City of Lakewood.

9.04.020 Authority to arrest.

Whenever a police officer shall have probable cause to believe that a person subject to court order, during the effective period of such court order, is in such officer's presence and within the City of Lakewood, violating or failing to comply with any requirement or restriction imposed by the court, such officer shall cause the person subject to court order to be brought before the court which imposed such order, and for such purpose the police officer may arrest such person subject to court order without warrant or other process.

SECTION THREE: Severability. If any portion of this Ordinance, or its application to any person or circumstances, is held invalid, the validity of the Ordinance as a whole, or any other portion thereof, and its application to other persons or circumstances, shall not be affected.

SECTION FOUR: That the Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

ADOPTED by the City Council this 18th day of May, 1998.

CITY OF LAKEWOOD

Attest:

\_\_\_\_\_

Bill Harrison, Mayor

\_\_\_\_\_

Alice M. Bush, CMC, City Clerk

Approved as to Form:

---

Daniel B. Heid, City Attorney

.....