

ORDINANCE NO. 688

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, ADDING A SECTION TO CHAPTER 9.10 CRIMINAL CODE OF THE SHORELINE MUNICIPAL CODE DESIGNATING “STAY OUT OF DRUG AREAS” (SODA) AND ESTBLISHING REGULATIONS FOR THE ISSUANACE AND ENFORCEMENT OF COURT-ISSUED SODA ORDERS.

WHEREAS, the Shoreline Municipal Code, Chapter 9.10, provides for the prosecution of various criminal offenses within the City of Shoreline; and

WHEREAS, the City Council finds that local businesses, property owners, and the Shoreline Police Department have reported an increase of criminal activity in certain areas of the City which seriously impacts the quality of life and the standard of commercial activity within the City; and

WHEREAS, the City Council finds that the increase in criminal activity is directly linked to the illegal sale, possession, and use of drugs controlled by Washington’s Uniform Substance Control Act, 69.50 RCW; and

WHEREAS, the City Council has determined that because this Ordinance will assist the criminal justice system in dealing with drug-related criminal activity, it would be in the best interests of the health, safety, and welfare of the citizens of the City of Shoreline to place geographic restrictions on certain violators with respect to illegal drug-related activity; and

WHEREAS, the City Council wishes to designate limited geographic areas of the City as “Stay Out of Drug Areas” (SODAs), recognizing that, in addition to the predetermined SODA areas, superior and district court judges may, on a case-by-case basis, issue orders with prohibited areas for defendants that are different than the legislatively-determined SODAs; and

WHEREAS, in conjunction with these designations, the City Council deems it appropriate to adopt regulations for the enforcement of SODAs and penalties for violations of court-issued SODA orders;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment to Chapter 9.10 Criminal Code.

Section 9.10.220, Definitions, is amended and a new section, Section 9.10.285, Stay Out of Drug Areas (SODA), is added to Title 9, Chapter 9.10, Criminal Code, as set forth in Exhibit A to this Ordinance.

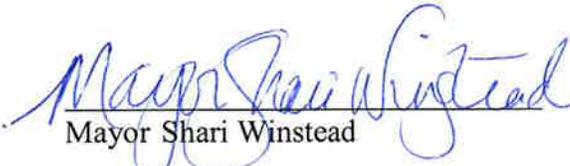
Section 2. Severability.

If any portion of this chapter is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other chapter or any other section of this chapter.

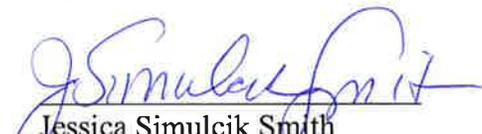
Section 3. Effective Date and Publication.

A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. The ordinance shall take effect and be in full force on July 1, 2014.

PASSED BY THE CITY COUNCIL ON JUNE 2, 2014.


Mayor Shari Winstead

ATTEST:


Jessica Simulcik Smith
City Clerk

APPROVED AS TO FORM:


Ian Sievers
City Attorney

Publication Date: June 5, 2014

Effective Date: July 1, 2014

Shoreline Municipal Code

Title 9 – Public Peace, Morals, and Welfare; Section 9.10 Criminal Code
Amendments to SMC 9.10.220; New Section, SMC 9.10.285

Stay Out of Drug Areas (SODA)

Amendment to SMC 9.10.220 – Controlled substances – Definitions

- D. "Stay Out of Drug Area" (SODA) means any specifically described area, public or private, identified and designated by the City as an anti-drug activity emphasis area based on repeat incidents of narcotics-related activity occurring therein.
- E. "SODA Order" means an order issued by a superior, or district court which prohibits or restricts a person from entering or remaining in a designated SODA.

New Section, SMC 9.10.285 - STAY OUT OF DRUG AREAS

A. Purpose.

A court may issue an order prohibiting a person from entering or remaining in a designated "Stay Out of Drug Area" (SODA). This prohibition is one means of addressing illegal drug activity; activity that the City finds is threatening the health, safety, and welfare of the citizens of Shoreline. By designating specific areas, public or private, within the City of Shoreline as a SODA, the City, in conjunction with the court, is working towards eliminating illegal drug possession, use, sales and other criminal activity associated with these activities.

B. Designation of Stay Out of Drug Areas.

1. Certain areas of the City are designated and identified as SODAs based on repeat, high-level incidents of narcotics-related activities occurring within the area. The perimeters of a SODA may be defined using street names or numbers and shall include all real property contained therein, where drug sales, possession of drugs, pedestrian or vehicular traffic attendant to drug activity, or other activity associated with drug offenses confirms a pattern associated with illegal drug trafficking and use. The area shall include the full width of streets, alleys, and sidewalks on the perimeter, common areas, planting strips, parks and parking areas within the area described using the streets as boundaries.
2. The following described areas are identified and designated as a SODA:
 - a. Aurora Avenue North from North 145th Street to North 205th Street, including one block east and west of Aurora Avenue;
 - b. Aurora Transit Center, located at 1524 North 200th Street;
 - c. Echo Lake City Park located at 1521 North 200th Street;
 - d. Interurban Trail corridor, located between North 145th Street and North 205th Street.

The boundaries of the designated SODA identified by this section shall be shown and delineated on the "Stay Out of Drug Area (SODA)" map accompanying the ordinance codified in this section and hereby incorporated by reference. The SODA map shall be maintained as such and will be on file at City Hall.

3. Designated SODAs shall be reviewed every two (2) years by the City Attorney and the Chief of Police to ensure their continued effectiveness. Recommendations for de-designation or modification of an existing SODA or for the designation of a new SODA shall be subject to approval by the City Council.

C. Issuance of SODA Order.

1. The City Attorney, after consultation with the Chief of Police, may seek a SODA Order from the court as a condition of pre-trial release or a condition of sentence, deferral, or suspension for any person.
2. A court may enter a SODA Order prohibiting a person from entering or remaining in a designated SODA for up to one year. The SODA Order shall be in writing and shall bear the following language:

"Violation of this court order is a criminal offense under SMC 9.10.285 and shall constitute a separate criminal offense. Violators will be subject to arrest."

3. The court in its discretion may allow a person subject to a SODA order to enter a SODA under certain conditional exceptions. Exceptions to the SODA order may include travel to and from and/or remaining in the following locations so long as these locations apply to or are used by the person who is subject of the SODA order:
 - a. Place of residence;
 - b. Court/government offices (while open to the public);
 - c. Social services provider or treatment center;
 - d. Place of employment;
 - e. School;
 - f. Attorney's office; or
 - g. Medical services.

If the court allows for exceptions in the SODA order, the person subject to that order is required to have a copy of the order on his/her person whenever he/she is traveling through a restricted designated SODA(s). Failure to present this order upon request by law enforcement is a violation of the SODA order and subject to the penalties set forth in this chapter. For the purpose of this section, travel is defined as movement on foot or in a vehicle from one point to another without delay.

4. Upon entering a SODA order, the clerk of the court shall forward a copy of the order to the City of Shoreline Police Department on or before the next judicial day following issuance of the order. Upon receipt, the Shoreline Police shall enter

the order into the appropriate law enforcement information system, noting the expiration date of the SODA order.

D. Notice of SODA Order.

A person is deemed to have notice of the SODA order when:

1. The signature of the person prohibited in the order is affixed to the bottom of the order, acknowledging receipt of the order; or
2. The order otherwise indicates that the person appeared before the court at the time order was entered.

E. Enforcement Procedure.

1. If a law enforcement officer has probable cause to believe that a person subject to a SODA order is knowingly violating that order, such person may be apprehended and arrested without the necessity for any warrant or additional court order.
2. The Chief of Police, in consultation with the City Attorney, shall have the authority to promulgate procedures for the administration of this chapter.

F. Penalties.

1. Any person who knowingly disobeys a SODA order shall be guilty of a gross misdemeanor.
2. Any person who knowingly disobeys a SODA order may also be found in contempt of court.