

ORDINANCE NO. 2016-15

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON AMENDING CHAPTER 9.20 OF THE POULSBO MUNICIPAL CODE BY ADDING A NEW SECTION 9.20.140 PROHIBITING DRUG RELATED ACTIVITY LOITERING; PRESCRIBING PENALTIES; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, drug use and its related activity is of great concern both nationally and locally, directly impacting public health, safety, and welfare; and

WHEREAS, loitering for drug related activity results in an increase in drug abuse and other related criminal activity in a community; and

WHEREAS, there is anecdotal evidence of increases in loitering for drug related activity occurring in both public and private areas of the City; and

WHEREAS, the City of Poulsbo desires eliminate drug related loitering to protect the health, safety and welfare of its residents and visitors

THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Poulsbo Municipal Code Chapter 9.20 is hereby amended to add a new section 9.20.140 entitled "Loitering with the Intent of Engaging in Drug Related Activity" as follows:

PMC 9.20.140 Loitering with the Intent of Engaging in Drug Related Activity

- A. It is unlawful for any person to loiter in any thoroughfare, place open to the public, or near any public or private place in a manner and under 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. "Loiter" shall mean to stand about or to proceed with many stops.
- C. Among the circumstances which may be considered in determining whether such intent is manifested are:
 - 1. Such person is a known unlawful drug user, possessor, or seller. For purposes of this chapter, a "known unlawful drug user, possessor or seller" is a person who has been convicted in any court within this state of any violation of, or 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 a person 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 "needle tracks"; or who possesses marijuana in a manner not authorized by RCW 69.50.4013 (1), RCW 69.50.4013(2) and or in amounts that exceed those set forth in RCW 69.50.360(3);
 - 2. 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 unlawful drug-related activity, including by way of example only, such person acting as a "lookout";
 - 3. Such person is currently subject to an order prohibiting her/her presence in a high drug activity geographic area;

4. Such person is physically identified by the officer as a member of a "gang", 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. 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 reasonably 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 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.
- D. Penalty. Any person convicted of a violation of this ordinance shall be guilty of a gross misdemeanor and shall be punished by a fine not to exceed five thousand dollars, or

by imprisonment in jail for a period not to exceed 364 days, or by both such fine and imprisonment. Each day's violation constitutes a separate offense.

Section 2. Liberal Construction of Chapter. The provisions of this chapter shall be liberally construed in order to effectively carry out the purposes of this chapter in the interest of the public health, welfare, safety, morals and economic vitality of the citizens and residents of the City of Poulsbo.

Section 3. Severability. If any provision, which includes every section, paragraph, sentence, clause, phrase or word, of this chapter is held invalid, such invalidity shall not affect any other provision, or the application thereof, which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

Section 4. Effective Date. This ordinance shall take effect five days after its publication, or publication of a summary thereof, in the City's official newspaper, or as otherwise provided by law.

APPROVED:



MAYOR, REBECCA ERICKSON

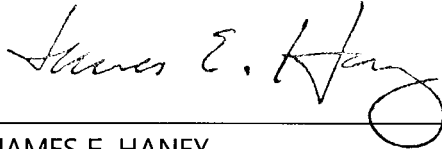
ATTEST/AUTHENTICATED:



CITY CLERK, RHIANNON FERNANDEZ, CMC

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

BY 

JAMES E. HANEY

FILED WITH THE CITY CLERK: 10/13/2016
PASSED BY THE CITY COUNCIL: 10/19/2016
PUBLISHED: 10/28/2016
EFFECTIVE DATE: 11/2/2016
ORDINANCE NO. 2016-15

SUMMARY OF ORDINANCE NO. 2016-15
of the City of Poulsbo, Washington

On the 19th day of October, 2016, the City Council of the City of Poulsbo, passed Ordinance No. 2016-15. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON
AMENDING CHAPTER 9.20 OF THE POULSBO MUNICIPAL
CODE BY ADDING A NEW SECTION 9.20.140 PROHIBITING
DRUG RELATED ACTIVITY LOITERING; PRESCRIBING
PENALTIES; PROVIDING FOR SEVERABILITY AND
ESTABLISHING AN EFFECTIVE DATE

The full text of this Ordinance will be mailed upon request.

DATED this 20th day of October, 2016.



CITY CLERK, RHIANNON FERNANDEZ