

ORDINANCE NO. 648

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING ORDINANCE 611, AND UNIVERSITY PLACE MUNICIPAL CODE TITLE 7, CRIMINAL CODE, TO ENABLE ANY COURT OF COMPETENT JURISDICTION TO UTILIZE THE CITY'S STAY OUT OF AREAS OF DRUG ACTIVITY (SOADA) ORDINANCE

WHEREAS, Section 39.34.180 of the Revised Code of Washington (RCW) has, since 1996, made Washington municipalities responsible for the prosecution of misdemeanor and gross misdemeanor offenses committed by adults in their respective jurisdictions; and

WHEREAS, on December 13, 2010, the City of University Place adopted a new criminal code that, for the most part, incorporates RCW criminal code sections by reference rather than restating them as local code sections as authorized by RCW 35.21.180; and

WHEREAS, the City Council of the City of University Place determined that it would be in the best interests of the health, safety, and welfare of the citizens of University Place to place geographic restrictions on certain violators with respect to illegal drug related activity, and to specify the authority of the University Place Municipal Court to enforce its orders imposing restrictions on an individual basis; and

WHEREAS, on October 1, 2012, in order to place such restrictions on drug-related violators and to authorize the Municipal Court to enforce such ordered restrictions, the City amended UPMC Title 7, Criminal Code, to add Chapter 7.04 relating to enforcement actions involving geographic restrictions on certain controlled substances offenders; and

WHEREAS, the current UPMC Title 7 limits utilization of the University Place SOADA order to Municipal and District Courts, and in order to allow it to be utilized by Superior Court and any other court with appropriate jurisdiction, it is necessary to broaden the language regarding courts.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Amended. University Place Municipal Code 7.04.020(A) and 7.04.030 are hereby amended to read as follows:

**Chapter 7.04
Controlled Substances**

7.04.020 - 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 any court of competent jurisdiction 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 area, 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.

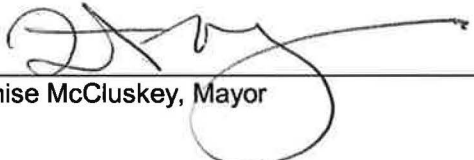
7.04.030 - Violation of Conditions of Release, Suspension or Deferral as Separate Crime

- 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 by any court of competent jurisdiction 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.

Section 2. Severability. If any one or more sections, subsections or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

Section 3. Publication and Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON FEBRUARY 2, 2015.


Denise McCluskey, Mayor

ATTEST:


Emelita Genetia, City Clerk

APPROVED AS TO FORM:


Steve Victor, City Attorney

Published: 02/04/15
Effective Date: 02/09/15