

**ORIGINAL**

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6155

AN ORDINANCE of the City Council of the City of Bellevue, Washington, defining criminal conduct, and adding new sections to Chapter 10.06 of the Bellevue Code.

WHEREAS, some areas of the City are experiencing illegal drug sales out in public; and

WHEREAS, at times the Police are unable to combat this problem under current laws; and

WHEREAS, the City Council of Bellevue recognizes the need to protect the community from illegal drug sales in public places in furtherance of its goals in creating a safe environment for its citizenry; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The Bellevue Municipal code shall be amended to add a section to Chapter 10.06 Miscellaneous Offenses to read as follows:

**10.06.041 Drug Traffic Loitering.**

A. As used in this section:

1. "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW, or the equivalent provisions of any federal statute, state statute or ordinance of any political subdivision of this state, and includes a verdict of guilty, a finding of guilty and an acceptance of a plea of guilty.

2. "Drug paraphernalia" means drug paraphernalia as the term is defined in the Uniform Controlled Substance Act, RCW 69.50.102, excluding, however, items obtained from or exchanged at any needle exchange program sponsored by the Seattle-King County Health Department or other governmental agencies, and hypodermic syringes or needles in the possession of a confirmed diabetic or a person directed by his or her physician to use such items.

3. "Illegal drug activity" means unlawful conduct contrary to any provision of RCW Chapter 69.41, 69.50, or 69.52, or the equivalent federal statute, state statute, or ordinance of any political subdivision of this state.

4. "Known drug trafficker" means a person who has, within the knowledge of the arresting officer, been convicted within the last two years in any court of any felony illegal drug activity.

5. "Public place" is an area generally visible to public view and includes, but is not limited to, streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, transit stations, shelters and tunnels, automobiles visible to public view (whether moving or not), and building, including those which serve food or drink, or provide entertainment, and the doorways and entrances to building or dwellings and the grounds enclosing them.

B. A person is guilty of drug-traffic loitering if he or she remains in a public place and intentionally solicits, induces, entices, or procures another to engage in unlawful conduct contrary to Chapter 69.50, Chapter 69.41, or Chapter 69.52, Revised Code of Washington.

C. The following circumstances do not by themselves constitute the crime of drug-traffic loitering. Among the circumstances which may be considered in determining whether the actor intends such prohibited conduct are that he or she:

1. Is seen by the officer to be in possession of drug paraphernalia; or
2. Is a known drug trafficker (provided, however, that being a known drug trafficker, by itself does not constitute the crime of drug-traffic loitering); or
3. Repeatedly beckons to, stops or attempts to stop passersby, or engages passersby in conversation; or
4. Repeatedly stops or attempts to stop motor vehicle operators by hailing, waiving of arms or any other bodily gesture; or
5. Circles an area in a motor vehicle and repeatedly beckons to, contacts, or attempts to stop pedestrians; or
6. Is the subject of any court order, which directs the person to stay out of any specified area as a condition of release from custody, a condition of probation or parole or other supervision or any court order, in a criminal or civil case involving illegal drug activity; or
7. Has been evicted as the result of his or her illegal drug activity and ordered to stay out of a specified area affected by drug-related activity.

D. No person may be arrested for drug-traffic loitering unless probable cause exists to believe that he or she has remained in a public place and has intentionally solicited, induced, enticed or procured another to engage in unlawful conduct contrary to Chapter 69.50, Chapter 69.41, or Chapter 69.52 Revised Code of Washington.

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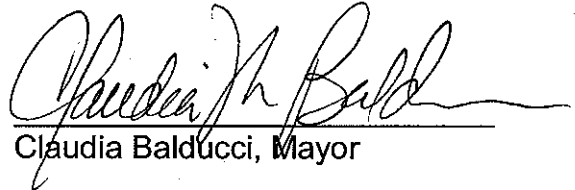
E. Any person who violates the provisions of this ordinance is guilty of a gross misdemeanor and, upon conviction, may be imprisoned for up to one year and be subject to a fine of not more than \$5,000.00.

Section 2. If any provision of this ordinance 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 ordinance are declared to be severable.

Section 3. This ordinance shall take effect and be in force thirty (30) days after passage and legal publication.

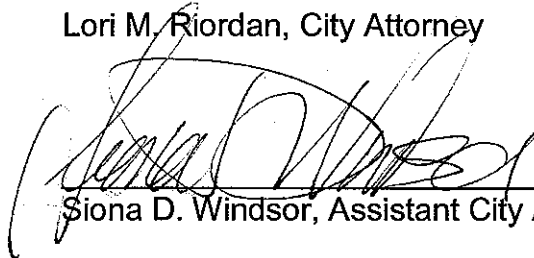
Passed by the City Council this 17<sup>th</sup> day of March, 2014  
and signed in authentication of its passage this 17<sup>th</sup> day of March,  
2014.

(SEAL)

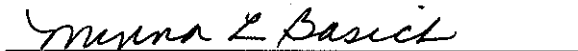
  
Claudia Balducci, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

  
Siona D. Windsor, Assistant City Attorney

Attest:

  
Myrna L. Basich, City Clerk

Published March 20, 2014.