

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: 5/22/17

AGENDA ITEM:	
Stay Out of Drug Areas (SODA) ordinance	
PREPARED BY:	DIRECTOR APPROVAL:
Jon Walker	
DEPARTMENT:	
Legal	
ATTACHMENTS:	
BUDGET CODE:	AMOUNT:
SUMMARY:	

The ordinance eliminates the requirement for the Council to establish the boundaries of the SODA by resolution every two years, adds language that drug use can also justify the establishment of a SODA, and streamlines the process for establishing, modifying, or eliminating a SODA.

RECOMMENDED ACTION:

Staff recommends that the Council consider approving the ordinance modifying the process for creating Stay Out of Drug Areas (SODA).

CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE,
WASHINGTON, AMENDING SECTION 6.28.040 OF THE MUNICIPAL CODE
IN REGARD TO STAY OUT OF DRUG AREAS.**

WHEREAS, on February 13, 2012, the City Council adopted Ordinance No. 2886 creating chapter 6.28 of the municipal code entitled “Stay Out of Drug Areas (SODA) Orders” and subsequently amended the chapter on May 13, 2013, through Ordinance No. 2925; and

WHEREAS, the Council finds that the Ordinances have enhanced public safety; and

WHEREAS, the Council finds that in addition to areas that experience a high incidence of drug trafficking activity, areas that experience a high incidence of drug use activity should be eligible to be designated as Stay Out of Drug Areas in order to protect public health and safety; and

WHEREAS, through updates from the Chief of Police, other City personnel, and citizens, the Council has become familiar with the effectiveness of the Stay Out of Drug Area; and

WHEREAS, the procedure for establishing, modifying, or eliminating the boundaries of a Stay Out of Drug Area should be modified to provide the Council with adequate information on which to base its decision; and

WHEREAS, the Council finds that it is no longer necessary to re-establish the Stay Out of Drug Areas every two years.

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

SECTION 1. Amendment of Municipal Code. The municipal code is amended as set forth in Exhibit “A.”

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

SECTION 3. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2017.

CITY OF MARYSVILLE

By _____
JON NEHRING, MAYOR

Attest:

By _____
APRIL O'BRIEN, DEPUTY CITY CLERK

Approved as to from:

By _____
JON WALKER, CITY ATTORNEY

Date of publication: _____

Effective Date (5 days after publication): _____

EXHIBIT A

6.28.040 Prohibited areas – Designation – Modification and termination.

(1) Whenever an order is issued under this chapter, the subject of the order may be ordered to stay out of certain areas that are set forth within the written order. These areas will hereinafter be referred to as “prohibited areas.”

(2) Prohibited areas that are set forth in SODA orders ~~shall~~may be established, modified, or eliminated by a resolution of the city council, ~~at a minimum of every two years~~. The police department ~~shall~~will provide information to the city council to support establishment, establishing, modifying, or eliminating and/or the elimination of prohibited areas ~~in the form of one or more declarations and/or other sworn testimony. The declaration(s) and/or other sworn testimony shall:~~

~~(a) Be by declarant(s) familiar with areas of the city that suffer a high incidence of drug trafficking activity or drug use activity;~~

~~(b) Set forth the education, experience and other relevant qualifications of the declarant(s);~~

~~(c) Set forth the basis for proposing prohibited areas, e.g., crime mapping data or other information;~~

~~(d) Describe the proposed prohibited areas; and~~

~~(e) Provide other information that supports the council's review and determination of prohibited areas.~~

(3) Prohibited areas that are set forth in orders issued under this chapter other than SODA orders may be set by court discretion and are not required to be set in accordance with subsection (2) of this section.

(4) Upon request for modification or termination of any order issued under this chapter, the court shall consider the requested modification or termination by allowing for a process by which the subject of the order can provide relevant testimony or other evidence in support of his/her request.

(5) Unless otherwise ordered by the court, an order issued under this chapter shall have as its termination date two years from the date of its issuance.

(6) Whenever an order is issued, modified or terminated pursuant to this chapter, the clerk of the court shall forward a copy of the order on or before the next judicial day to the Marysville police department. Upon receipt of the copy of the order, the Marysville police department shall enter the order until the expiration date specified

on the order into any computer-based criminal intelligence information system(s) available to Marysville police officers. Upon receipt of notice that an order has been terminated, the Marysville police department shall remove the order from the computer-based criminal intelligence information system(s).

(7) Nothing in any provision of this chapter related to SODA orders shall be construed as prohibiting the subject of a SODA order from participating in a scheduled court hearing or from attending a scheduled meeting with his/her legal counsel within a prohibited area.