



Homeless Response Committee Meeting Notes from April 4, 2023

Attendance:

Debi Pieraccini, Kacey Morrison, David Lawrence, Stephen Armes, Patrick Mc Daniel, Commissioner Kevin Pine, Elaina Moore, Dale Green, Lisa Scott, and visitor Patti Thomas. Committee members Liz Ellis and Kati Katchman were unable to attend as well as City Administrator Ruth Clemens. Visitor's Present: Jim "HAWK" Sannes, Steve Heywood and Patti Thomas.

Welcome and introduction by Committee Chair Pieraccini.

The agenda was amended to add letter f. under old business, Shelter Discussion.

Old Business:

- Notes from previous meeting were handed out.
- Debi Pieraccini and Lisa Scott led the conversation on the debrief of the Business Community meeting held March 23, 2023.
 - General take-aways by committee: 1) thought the audience appreciated being heard; 2) thought we should not have any round table discussions on the agenda and should let the conversation flow naturally; 3) really like the presentations by City Administrator, Police Chief and Elaina Moore.
- Committee felt that going over the results from both surveys (the business community and the residential community) would be good for the Ward 5 & 6 Community Meeting. (Is there any way to accept written surveys for those who can't fill out one electronically?) Committee thought that adding a follow-up meeting for the business community might be a good idea. Look at holding it on a Monday or different time where more business input can be logged.
- Town Halls: Dates, times and locations were discussed. A meeting with our unhoused population was added to the list that meeting will be held on April 27, 2023, at 6:00 PM at City Hall.
- Commissioner Pine led a conversation on the idea of having a shelter in Grays Harbor.

New Business:

- Mayor Pete Schave led a conversation about Vacant Buildings and that the City Council will be having a conversation about this on April 12, 2023, at the City Council Meeting.
- The committee unanimously voted to support the City's hiring of an additional employee for the downtown cleanup patrol.

Court Liaison Report:

Elaina discussed working with both DHR and CCAP to begin a "Good Neighbor Policy" with our unsheltered community. Elaina also discussed the SUV Navigator and looking to begin a County Wide program and an update on the status of Western State.

Good of the Order

The committee members and staff discussed the Opioid Settlement and how to spend the money. Commissioner Pine inquired about a partnership with the County and Aberdeen to make the money go further. The Committee would like additional information before they would feel comfortable making a recommendation to City Council.



Good of the Order Continued:

Debi shared a new Ordinance from Richland, Washington (article is attached)

Dale discussed that updates to our existing controlled substances was something that they have been working on with the City's Corporation Counsel. Copies of what Marysville and Kent are attached for reference.

The Committee asked the question as to whether or not the city could look at having an ordinance that could limit the times and place where people could donate food and clothing in city limits (outside of food and clothing banks)? The reason is that our cleanup volunteers are encountering a lot of food waste (raw, uncooked food, cooked food, etc.) as they patrol our city streets. Is it possible that we can have all people who wish to hand out food and other items register with the city and provide a means with cleanup after the event?

Past and Upcoming Meetings:

- Business Community (Log Pavilion) Thursday, March 23rd at 6 pm.
- Homeless Response Committee, Tuesday, April 4, 2023, at 5 pm
- Homeless Response Committee, Tuesday, April 18th at 5 pm.
- Wards 5 & 6 Community Meeting (City Hall), April 18th at 6 pm.
- Unsheltered Community Discussion (City Hall), April 27th at 6:00 pm
- Wards 1 & 2 Community Meeting (Log Pavilion), May 2nd at 6:00 pm
- Wards 3 & 4 Community Meeting (Log Pavilion), May 23 at 6:00 pm

Chapter 9.09

CONTROLLED SUBSTANCES

Sections:

9.09.010 Use of dangerous drugs in public.

9.09.020 Unlawful deposit of dangerous drugs and drug paraphernalia.

9.09.030 RCW section adopted – Unlawful possession of a legend drug.

9.09.040 Penalties for violations.

9.09.010 Use of dangerous drugs in public.

A. It is unlawful for any person to intentionally use any dangerous drug in a public place, except as now or hereafter authorized or expressly permitted by the laws of the state or except upon the written or oral order or prescription of a physician, surgeon, dentist, or other medical professional licensed to practice in the state and legally authorized to prescribe controlled substances.

B. Definitions. For purposes of this section, the following terms or words shall be interpreted as follows:

1. "Dangerous drug" means any controlled substance classified in Schedule I, II, III or IV of Chapter 69.50 RCW excluding cannabis, as it now exists or shall hereafter be added to, deleted from, modified, or amended.

2. "Public place" means an area generally visible to public view and includes without limitation any place where the public has a right of access, which includes without limitation sidewalks, parking lots and parking garages, streets, alleys, highways, or roads; public buildings and grounds, including schools, parks, playgrounds, and meeting halls; establishments to which the public is invited including restaurants, theaters, stores, gas stations, meeting halls, lobbies, halls and dining rooms of hotels, bars, taverns, pubs, or establishments where beer or soft drinks may be sold, and their associated parking lots, parking structures, walkways, doorways, and entrances; railroad trains, light rail facilities, buses, and other public conveyances of all kinds and character, and their associated stations and platforms used in conjunction therewith which are open to unrestricted use and access by the public; and all other places of like or similar nature.

3. "Use" means any effort taken in furtherance of an attempt to inject, ingest, inhale or otherwise introduce a controlled substance into the human body. [Ord. 2023-01 § 1].

9.09.020 Unlawful deposit of dangerous drugs and drug paraphernalia.

It shall be unlawful for any person to knowingly dump, throw, deposit, or discharge onto the ground or into any body of water any dangerous drug, as that term is defined in RMC 9.09.010(B)(1), or drug paraphernalia, as defined in RCW 69.50.102, as those referenced provisions are currently enacted or hereafter amended or recodified. [Ord. 2023-01 § 1].

9.09.030 RCW section adopted – Unlawful possession of a legend drug.

RCW 69.41.030, pertaining to possession of legend drug without prescription or order prohibited, as now or hereafter amended, is hereby adopted by reference as a part of this chapter in all respects as though the section were set forth herein in full. [Ord. 2023-01 § 1].

9.09.040 Penalties for violations.

Unless another section expressly provides otherwise, any person who violates any provision of this chapter shall be guilty of a misdemeanor. [Ord. 2023-01 § 1].

The Richland Municipal Code is current through Ordinance 2023-02, passed February 7, 2023.

Disclaimer: The City Clerk's office has the official version of the Richland Municipal Code. Users should contact the City Clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.ci.richland.wa.us/>

City Telephone: 509-942-7389

Code Publishing Company.

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February 20 ·

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Richland is not a drug haven!

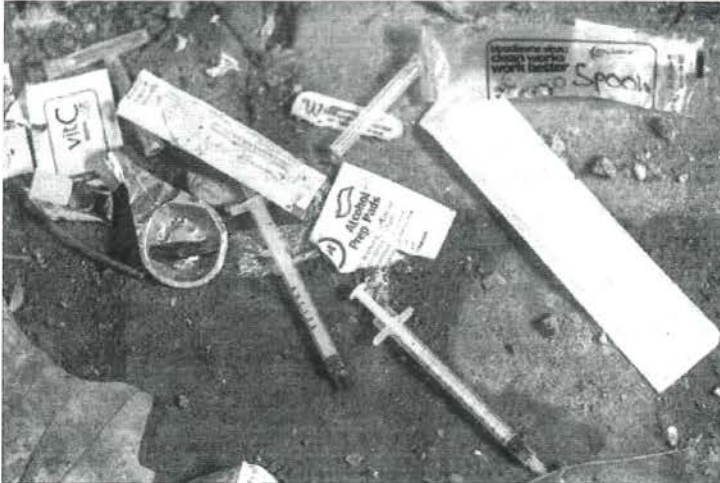
Since the "Blake Bill" was passed in 2021, RPD has seen a significant increase of blatant and open drug use in our public parks, parking lots and along our roadways. Two new Richland Municipal Codes address this issue head-on!

The Richland City Council passed RMC 9.09.010 which criminalizes the public use of controlled substances and RMC 9.09.020 which makes it illegal to knowingly dump, throw, deposit or discharge onto the ground or into any body of water any dangerous drug and/or its paraphernalia.

People intentionally using any dangerous drug in a public place will be arrested and booked into jail. Dangerous drugs include methamphetamine, fentanyl, cocaine, heroin, etc.

A public place is defined as an area generally visible to public view and includes any place where the public has a right of access such as sidewalks, parking lots, streets, alleys, highways or roads, public buildings and grounds including parks, schools, playgrounds and meeting halls. It also includes establishments to which the public is invited such as restaurants, theaters, stores, gas stations and bars.

These laws will be enforced vigorously, and Richland PD is committed to taking back the streets from drug users and those committing crimes against our community.



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CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MARYSVILLE AMENDING CHAPTER 6.27 OF
THE MUNICIPAL CODE IN REGARD TO THE USE OF CONTROLLED
SUBSTANCES IN PUBLIC PLACES.**

WHEREAS, the use of controlled substances without a prescription and the supervision of a medical professional can result in physical injury or death; and

WHEREAS, the use of controlled substances without a prescription and the supervision of a medical professional often exacerbates mental health conditions; and

WHEREAS, using controlled substances can alter a person's brain or brain chemistry with negative health consequences; and

WHEREAS, persons using controlled substances can become addicted to such substances resulting in negative physical and mental health consequences and damage to family and personal relationships; and

WHEREAS, the use of controlled substances without a prescription or medical supervision is more likely to result in addiction; and

WHEREAS, the use of controlled substances without a prescription is positively correlated with criminal behavior; and

WHEREAS, the City has taken steps to address these problems through teaming police officers with social workers and mental health professionals and the municipal court's Mental Health Alternatives Program; and

WHEREAS, state law now requires that persons subject to arrest for possession of a controlled substance be referred to assessment and services in lieu of arrest at least twice before he or she may be arrested; and

WHEREAS, this state requirement has resulted in increased use of controlled substances in public; and

WHEREAS, the use of controlled substances in public increases public disorder and the negative effects of using controlled substances without a prescription; and

WHEREAS, the use of controlled substances in public negatively affects children and youth and normalizes the use of controlled substances without a prescription; and

WHEREAS, the use of alcohol and marijuana by persons of legal age is prohibited in public; and

WHEREAS, prohibiting the use of controlled substances in public will enhance public health and safety; and

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

SECTION 1. A new section 6.27.022 is added to the municipal code as set forth in Exhibit A.

SECTION 2. Section 6.27.025 of the municipal code is amended as set forth in Exhibit B.

SECTION 3. 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 4. Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

SECTION 5. 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 _____, 2022.

CITY OF MARYSVILLE

By _____
JON NEHRING, MAYOR

Attest:

By _____
_____, DEPUTY CITY CLERK

Approved as to form:

By _____
JON WALKER, CITY ATTORNEY

Date of publication: _____

Effective Date (5 days after publication): _____

EXHIBIT A

6.27.022 Use of a Controlled Substance in a Public Place.

1. It is unlawful for any person to knowingly use a controlled substance in a public place unless the controlled substance has been lawfully prescribed to the person using it.
2. "Use" means any effort taken in furtherance of an attempt to inject, ingest, inhale or otherwise introduce a controlled substance into the human body.
3. "Public place" means an area generally visible to public view, and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the public, and doorways, windows, drive-up windows, and entrances to buildings or dwellings that are visible to public view.
4. Use of a controlled substance in a public place is a misdemeanor.

EXHIBIT B

6.27.025 Offer of referral.

When a police officer has probable cause that a person has committed the crime of possession of a counterfeit substance, possession of a controlled substance, possession of 40 grams or less of marijuana, possession of a legend drug, or possession of drug paraphernalia, the officer will offer a referral to assessment and services in the manner provided by RCW 10.31.115. When a police officer has probable cause that a person has committed the crime of use of a controlled substance in a public place, the officer may, but is not required to offer a referral and is authorized to book the person into jail regardless of whether that person has previously been offered a referral.

Chapter 9.12 NARCOTICS AND BARBITURATES* Revised 11/22

Sections:

- [9.12.04](#) *Repealed.* Revised 11/22
- [9.12.08](#) *Repealed.* Revised 11/22
- [9.12.12](#) *Repealed.* Revised 11/22
- [9.12.16](#) *Repealed.* Revised 11/22
- [9.12.20](#) Use of dangerous drugs in public. Revised 11/22
- [9.12.22](#) Unlawful deposit of dangerous drugs and drug paraphernalia. Revised 11/22
- [9.12.24](#) *Repealed.* Revised 11/22
- [9.12.28](#) *Repealed.* Revised 11/22
- [9.12.32](#) *Repealed.* Revised 11/22
- [9.12.36](#) *Repealed.* Revised 11/22
- [9.12.40](#) *Repealed.* Revised 11/22
- [9.12.44](#) Reserved.
- [9.12.48](#) *Repealed.* Revised 11/22
- [9.12.52](#) Unlawful to aid or abet furnishing certain drugs to persons in jail or custody of police.
Revised 11/22
- [9.12.56](#) Places of resort for users of narcotics and/or dangerous drugs declared nuisance. Revised
11/22
- [9.12.60](#) Abatement of places of resort.
- [9.12.64](#) Unlawful to frequent or be in place where narcotics and/or dangerous drugs are
unlawfully kept, used or disposed of. Revised 11/22
- [9.12.68](#) Penalty for violations. Revised 11/22
- [9.12.70](#) Drug-free zones.
- [9.12.75](#) Drug-traffic loitering. Revised 11/22

*State law reference(s) – Uniform controlled substances act, RCW 69.50.101 et seq.; drugs requiring prescriptions, RCW 69.41.010 et seq.

9.12.04 Unlawful to use or be under influence of narcotics – Exception. Revised 11/22

Repealed by Ord. No. 4442.

(Ord. No. 1787, § 1; Ord. No. 2933, § 1(9.12.04), 7-19-90. Formerly Code 1986, § 9.12.04)

9.12.08 Unlawful to possess narcotics without proper license or prescription. Revised 11/22

Repealed by Ord. No. 4442.

(Ord. No. 1787, § 2; Ord. No. 2933, § 1(9.12.08), 7-19-90. Formerly Code 1986, § 9.12.08)

9.12.12 Unlawful to sell or give away narcotics without prescription. Revised 11/22

Repealed by Ord. No. 4442.

(Ord. No. 1787, § 3; Ord. No. 2933, § 1(9.12.12), 7-19-90. Formerly Code 1986, § 9.12.12)

9.12.16 Prescribing narcotics. Revised 11/22

Repealed by Ord. No. 4442.

(Ord. No. 1787, § 4; Ord. No. 2933, § 1(9.12.16), 7-19-90. Formerly Code 1986, § 9.12.16)

9.12.20 Use of dangerous drugs in public. Revised 11/22

A. It is unlawful for any person to intentionally use any dangerous drug in a public place, except as now or hereafter authorized or expressly permitted by the laws of the state or except upon the written or oral order or prescription of a physician, surgeon, dentist, or other medical professional licensed to practice in the state and legally authorized to prescribe controlled substances.

B. *Definitions.* For purposes of this section, the following terms or words shall be interpreted as follows:

1. *Dangerous drug* means any controlled substance classified in Schedule I, II, III or IV of Chapter 69.50 RCW excluding cannabis, as it now exists or shall hereafter be added to, deleted from, modified, or amended.
2. *Public place* means an area generally visible to public view and includes without limitation any place where the public has a right of access, which includes without limitation sidewalks, parking lots and parking garages, streets, alleys, highways, or roads; public buildings and grounds, including schools, parks, playgrounds, and meeting halls; establishments to which the public is invited including restaurants, theaters, stores, gas stations, meeting halls, lobbies, halls and dining rooms of hotels, bars, taverns, pubs, or establishments where beer or soft drinks may be sold, and their associated parking lots, parking structures, walkways, doorways, and entrances; railroad trains, light rail facilities, buses, and other public conveyances of all kinds and character, and their associated stations and platforms used in conjunction therewith which are open to unrestricted use and access by the public; and all other places of like or similar nature.
3. *Use* means any effort taken in furtherance of an attempt to inject, ingest, inhale or otherwise introduce a controlled substance into the human body.

(Ord. No. 1787, § 5; Ord. No. 2933, § 1(9.12.20), 7-19-90; Ord. No. 4442, § 1, 9-6-22. Formerly Code 1986, § 9.12.20)

9.12.22 Unlawful deposit of dangerous drugs and drug paraphernalia. Revised 11/22

It shall be unlawful for any person to knowingly dump, throw, deposit, or discharge onto the ground or into any body of water any dangerous drug, as that term is defined in KCC 9.12.20(B)(1), or drug paraphernalia, as defined in RCW 69.50.102, as those referenced provisions are currently enacted or hereafter amended or recodified.

(Ord. No. 4442, § 2, 9-6-22)

9.12.24 Unlawful to possess without prescription. Revised 11/22

Repealed by Ord. No. 4442.

(Ord. No. 1787, § 6; Ord. No. 2933, § 1(9.12.24), 7-19-90. Formerly Code 1986, § 9.12.24)

9.12.28 Unlawful to possess unless specifically prescribed for person in possession. Revised 11/22

Repealed by Ord. No. 4442.

(Ord. No. 1787, § 7; Ord. No. 2933, § 1(9.12.28), 7-19-90. Formerly Code 1986, § 9.12.28)

9.12.32 Unlawful to administer except as prescribed. Revised 11/22

Repealed by Ord. No. 4442.

(Ord. No. 1787, § 8; Ord. No. 2933, § 1(9.12.32), 7-19-90. Formerly Code 1986, § 9.12.32)

9.12.36 Unlawful to be under influence in public place. Revised 11/22

Repealed by Ord. No. 4442.

(Ord. No. 1787, § 9; Ord. No. 2933, § 1(9.12.36), 7-19-90. Formerly Code 1986, § 9.12.36)

9.12.40 Prosecution for violation. Revised 11/22

Repealed by Ord. No. 4442.

(Ord. No. 1787, § 10; Ord. No. 2933, § 1(9.12.40), 7-19-90. Formerly Code 1986, § 9.12.40)

9.12.44 Reserved.

Editor's note – Ordinance No. 3350, § 5, adopted May 21, 1997, repealed § 9.12.44 in its entirety.

Formerly, such section pertained to unlawful possession of injection devices and derived from § 9.12.44 of the 1986 Code; Ord. No. 2933, § 1(9.12.44), 7-19-90.

9.12.48 Possession as prima facie evidence of violation. Revised 11/22

Repealed by Ord. No. 4442.

(Ord. No. 1787, § 12; Ord. No. 2933, § 1(9.12.48), 7-19-90. Formerly Code 1986, § 9.12.48)

9.12.52 Unlawful to aid or abet furnishing certain drugs to persons in jail or custody of police.

Revised 11/22

It is unlawful for any person not acting under the direction of the director of public health to knowingly furnish or aid or abet the furnishing of any opium, morphine, cocaine, hydrate of chloral, isonipecaine, amidone, isosmidone, keto-bemidone or any substance neither chemically nor physically distinguishable from any one of them or any opiate or narcotic, or narcotic derivative thereof or any of the "dangerous drugs" mentioned in KCC 9.12.20 to any person confined in the city jail or in the custody of the police department, unless the substance in question is lawfully prescribed for the person by a doctor or physician and is given to such person under the direction of that person's physician or doctor.

(Ord. No. 1787, § 13; Ord. No. 2933, § 1(9.12.52), 7-19-90; Ord. No. 4442, § 3, 9-6-22. Formerly Code 1986, § 9.12.52)

9.12.56 Places of resort for users of narcotics and/or dangerous drugs declared nuisance.

Revised 11/22

It shall be unlawful for any person, firm, corporation or agent, holding, leasing, renting, occupying or having charge and control of, any building, structure or premises or room or rooms therein to knowingly permit the same to be used as a place of resort for the unlawful sale, gift, use, or distribution of narcotics, narcotic drugs or dangerous drugs mentioned in KCC 9.12.08 and 9.12.20, and any such place is hereby declared to be a public nuisance and may be abated as such in the manner provided by this chapter.

(Ord. No. 1787, § 14; Ord. No. 2933, § 1(9.12.56), 7-19-90; Ord. No. 4442, § 4, 9-6-22. Formerly Code 1986, § 9.12.56)

9.12.60 Abatement of places of resort.

Any building, structure, premises or room or rooms therein constituting a nuisance as defined in this chapter may be abated in a civil action in the manner provided by law or the court upon final judgment of conviction for violation of this chapter of any person found therein at the time of his arrest may forthwith and as a part of the same proceeding direct the chief of police to abate any such place as a nuisance. The chief of police, upon ascertaining that any such place is a nuisance as defined by this chapter, may proceed to summarily abate the same. Such abatement shall be effected by closing and securely locking the place abated and excluding all persons therefrom. It shall be unlawful for any owner, agent, lessee, tenant, person in charge or occupant, to enter, use or occupy any building, structure or premises or room or rooms therein abated as a nuisance under the provisions of this chapter, from and for a period of one (1) year after the date of such abatement, unless he as principal shall therefor give and file with the city clerk a good and sufficient surety bond to be approved by the

court making the order of abatement or in case of summary abatement to be approved by the chief of police in the penal sum of one thousand dollars (\$1,000) payable to the city conditioned that such building, structure, premises or room or rooms therein will not thereafter be used in violation of this chapter and that he will pay all fines, costs and damages assessed against him for any violation of this chapter. In case of the violation of any of the conditions of such bond, the whole amount may be recovered as a penalty for the use of the city.

(Ord. No. 1787, § 15; Ord. No. 2933, § 1(9.12.60), 7-19-90. Formerly Code 1986, § 9.12.60)

9.12.64 Unlawful to frequent or be in place where narcotics and/or dangerous drugs are unlawfully kept, used or disposed of. Revised 11/22

It is unlawful for anyone, not lawfully authorized, to frequent, enter, be in, or be found in any place they know to be a location where narcotics, narcotic drugs, their derivatives, or dangerous drugs mentioned in KCC 9.12.08 and 9.12.20 are unlawfully used, kept, or disposed of.

(Ord. No. 1787, § 16; Ord. No. 2933, § 1(9.12.64), 7-19-90; Ord. No. 4442, § 5, 9-6-22. Formerly Code 1986, § 9.12.64)

9.12.68 Penalty for violations. Revised 11/22

Unless another section expressly provides otherwise, any person who violates any provision of this chapter shall be guilty of a misdemeanor.

(Ord. No. 1787, § 17; Ord. No. 2894, § 1, 1-16-90; Ord. No. 2933, § 1(9.12.68), 7-19-90; Ord. No. 3030, § 1, 2-19-92; Ord. No. 4442, § 6, 9-6-22. Formerly Code 1986, § 9.12.68)

9.12.70 Drug-free zones.

Pursuant to RCW 69.50.435, there are hereby established within the city drug-free zones for enhanced criminal penalties for crimes involving the manufacture, sale or delivery of controlled substances committed within such zones in areas upon surrounding schools and/or bus stops. The maps describing such zones incorporated herein by reference are hereby approved as the official locations and record of the locations and boundaries of the areas on or within one thousand (1,000) feet of the school sites of the Kent School District. The maps are on file with the city clerk and are maintained as an official record available for public inspection.

(Ord. No. 3061, § 1, 8-18-92)

9.12.75 Drug-traffic loitering. Revised 11/22

A. As used in this section:

1. *Conviction* means an adjudication of guilt pursuant to RCW Title 10 or 13, 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 Substance Act, RCW 69.50.102, excluding 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 Chapter 69.41, 69.50 or 69.52 RCW, 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 (2) 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 buildings, including those which serve food or drink, or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

6. *Use* means any effort taken in furtherance of an attempt to inject, ingest, inhale, or otherwise introduce a controlled substance into the human body.

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, 69.41 or 69.52 RCW.

C. The following nonexclusive list of circumstances do not by themselves constitute the crime of drug-traffic loitering, but they may be relevant in evaluating the criminal intent required by subsection (B) of this section:

1. Is seen by the officer to be in possession of drug paraphernalia under circumstances that evince an intent to use a controlled substance other than cannabis; or
2. Is a known drug trafficker; 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, waving 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.

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, 69.41, or 69.52 RCW.

E. A person convicted of drug-traffic loitering under this section shall be punished by a fine of not more than \$5,000 or term of imprisonment of not more than 364 days, or both.

(Ord. No. 3135, § 1, 10-5-93; Ord. No. 4442, § 7, 9-6-22)