

**ORDINANCE NO. 6886**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING SECTION 9.24.020 OF THE AUBURN CITY CODE, AND REPEALING SECTION 9.24.030 OF THE AUBURN CITY CODE RELATED TO THE DESIGNATION AND ENFORCEMENT OF ANTI-DRUG EMPHASIS AREAS IN THE CITY

WHEREAS, certain areas of the City experience repeat and ongoing incidents of drug related crime and other drug-related activity that harms the City, its residents and its businesses;

WHEREAS, in 2018 the City enacted Auburn City Code (ACC) 9.24.020 to address the issue by designating certain areas of the City as anti-drug emphasis areas, and establishing corresponding penalties for unlawfully entering or remaining in such designated areas;

WHEREAS, several State law changes since 2018 warrant the City's revisiting the text of ACC 9.24.020 to ensure that it remains effective in deterring and addressing unwanted illegal drug activity in the City. These State law changes include:

- the Washington Supreme Court's decision in State v. Blake, 197 Wn.2d 170 (declaring on February 25, 2021 that RCW 69.50.4013 related to drug possession was unconstitutional and unenforceable);
- the State Legislature's post-Blake revisions to RCW 69.50.4013 (reducing illegal drug possession from a felony to a misdemeanor); and
- the State Legislature's passage of RCW 10.31.115 (related to drug addiction assessment and treatment referrals in lieu of arrest for illegal drugs);

WHEREAS, numerous members of the local business community attended and spoke at the City Council's July 18, 2022 meeting to express ongoing frustration related to illegal drug and criminal activity occurring in the City's downtown business corridor;

WHEREAS, in light of these events following the City's enactment of ACC 9.24.020, the City has determined that the penalties for its violation should be enhanced to more effectively address violations of the ordinance;

WHEREAS, additional language within ACC 9.24.020 should be revised for clarity and precision, to aid in interpretation and enforcement; and

WHEREAS, ACC 9.24.030 should be repealed as its penalty provisions will be incorporated into the revisions to ACC 9.24.020.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

**Section 1. Amendment to City Code section.** Section 9.24.020 of the Auburn City Code is hereby amended to read as set forth in Exhibit A to this Ordinance;

**Section 2. Repeal of City Code section.** Section 9.24.030 of the Auburn City Code is hereby repealed.

**Section 3. Equity Analysis.** The City shall conduct an equity analysis of the impacts of this Ordinance.

**Section 4. Implementation.** The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

**Section 5. Severability.** The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application of it to any person or circumstance, will not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

**Section 6. Effective date.** This Ordinance will take effect and be in force five days from and after its passage, approval, and publication as provided by law.

INTRODUCED: OCT 03 2022

PASSED: OCT 03 2022

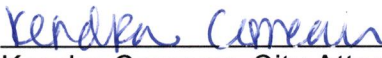
APPROVED: OCT 03 2022

  
\_\_\_\_\_  
NANCY BACKUS, MAYOR

ATTEST:

  
\_\_\_\_\_  
Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kendra Comeau, City Attorney

Published: October 6, 2022 Seattle Times



# ORD. 6886—EXHIBIT A

**ACC 9.24.020**  
**areas**

## **Designation and enforcement of anti-drug emphasis**

~~A. Designation of City anti-drug emphasis areas. 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, enforcement of which shall be enhanced through the use of court orders prohibiting offenders convicted of unlawful drug-related acts or loitering for drug purposes within the said areas from entering or remaining in anti-drug emphasis areas. The areas to be so designated shall be identified by the city council in an ordinance or resolution passed after consultation with the mayor, 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 hearing drug-related cases arising from within the city. If a defendant is convicted of a drug-related case occurring 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 the court finds extenuating circumstances in the defendant's particular case justifying avoidance of some or any of the requirement for such condition or term of sentence, deferral, or suspension. In such case, the extenuating circumstances shall be identified and recited in the record of the case, and any variation in conditions or terms of sentence deferral, suspended sentence or reduction or exclusion of anti-drug emphasis areas shall also be identified and recited in the record of the case. The court ordered condition or term of sentence, deferral, or suspension shall be in effect for the period of two years from the date of the court's order; provided, that the defendant may petition the court for modification or earlier termination of the order.~~

~~B. 1. Area designation generally. Based on repeat and ongoing incidents of illegal drug activity and/or other illegal activity involving illegal drugs occurring in the below identified City areas, and after consultation between the City Mayor, City Attorney and police chief, the City designates the following areas identified in this subsection as , generally depicted (for illustrative purposes only) on the maps appended as Exhibits "A" and "B" to the ordinance codified in this chapter are hereby designated as and identified to be anti-drug emphasis areas. This designation includes:~~

~~all rights-of-way located within the identified areas, and all rights-of-way that are adjacent to the area's outer perimeter:~~



**AREA I. DOWNTOWN AREA:**

BEGINNING AT THE INTERSECTION OF E STREET NE AND 23RD STREET NE; THENCE EASTERLY TO THE INTERSECTION OF N STREET NE AND 24TH STREET NE; THENCE CONTINUING ALONG SAID TANGENT EAST TO THE GREEN RIVER; THENCE EASTERLY, SOUTHERLY AND WESTERLY ALONG THE GREEN RIVER TO A POINT THAT IS EAST OF 14TH STREET NE; THENCE WEST ALONG 14TH STREET NE, AS EXTENDED, TO AUBURN WAY NORTH; THENCE SOUTHERLY ALONG AUBURN WAY NORTH TO 4TH STREET NE; THENCE EASTERLY ALONG 4TH STREET NE TO J STREET NE; THENCE SOUTHERLY ALONG J STREET NE AND SE AS EXTENDED TO STATE HIGHWAY 18; THENCE EASTERLY ALONG STATE HIGHWAY 18 TO M STREET SE; THENCE SOUTH ALONG M STREET SE TO 8TH STREET SE; THENCE WESTERLY ALONG 8TH STREET SE TO A POINT THAT IS SOUTH OF J STREET SE, AS EXTENDED; THENCE SOUTHERLY ALONG SAID J STREET SE EXTENSION TO 9TH STREET SE; THENCE WESTERLY ALONG 9TH STREET SE TO H STREET SE; THENCE SOUTH ALONG H STREET SE TO THE ALLEY SOUTH OF AND RUNNING GENERALLY PARALLEL TO 9TH STREET SE; THENCE WESTERLY ALONG SAID ALLEY TO ITS INTERSECTION WITH AUBURN WAY, SOUTH; THENCE NORTHWESTERLY ALONG AUBURN WAY SOUTH TO ITS INTERSECTION WITH F STREET SE; THENCE NORTHEASTERLY ALONG F STREET SE TO ITS INTERSECTION WITH 9TH STREET SE; THENCE WESTERLY ALONG 9TH STREET SE, AS EXTENDED, TO THE INTERURBAN TRAIL; THENCE NORTHERLY ALONG THE INTERURBAN TRAIL TO 2ND STREET NW; THENCE EASTERLY ALONG 2ND STREET NW TO C STREET NW; THENCE NORTHERLY TO A POINT THAT IS WEST OF 18TH STREET NE, AS EXTENDED, THENCE EAST TO E STREET NE; THENCE NORTHERLY ALONG E STREET NE TO THE POINT OF BEGINNING.

**AREA II. THE OUTLET COLLECTION:**

BEGINNING AT THE INTERSECTION OF 15TH STREET SW AND STATE HIGHWAY 167; THENCE NORTHERLY ALONG STATE HIGHWAY 167 TO STATE HIGHWAY 18; THENCE EASTERLY ALONG STATE HIGHWAY 18 TO THE INTERURBAN TRAIL; THENCE SOUTHERLY ALONG THE INTERURBAN TRAIL TO 15TH STREET SW; THENCE WESTERLY ALONG 15TH STREET SW TO THE POINT OF BEGINNING.

**AREA III. SOUTH END:**

BEGINNING AT THE INTERSECTION OF THE WHITE RIVER AND A STREET SE; THENCE NORTHERLY ALONG A STREET SE TO 21ST STREET SE; THENCE EASTERLY ALONG 21ST STREET SE TO R STREET SE; THENCE SOUTHERLY ALONG R STREET SE TO 29TH STREET SE; THENCE WESTERLY ALONG 29TH STREET SE TO M STREET SE.; THENCE SOUTHERLY ALONG M STREET SE, AS EXTENDED, TO THE WHITE RIVER; THENCE SOUTHWESTERLY ALONG THE WHITE RIVER TO THE POINT OF BEGINNING.

**AREA IV. CITY PARKS ~~PROPERTY:~~**

~~ALL CITY PARKS, INCLUDING, PROPERTY THROUGHOUT THE CITY IS DESIGNATED AS AN ANTI-DRUG EMPHASIS AREA. FOR THE PURPOSES HEREOF, CITY PARK PROPERTY INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING PARK PROPERTIES AND ALL OF THEIR FACILITIES, AMENITIES AND COMPONENTS THEREIN:~~

<u>Park Name</u>	<u>Address</u>	<u>Proximate Acres</u>
21st St. Playground	405 21st St. SE	0.17
104th Ave. SE (Green River Park)	31495 104th Ave. SE	14.73
Auburndale	31802 108th Ave. SE	9.64
Auburndale II	29725 118th Ave. SE	9.34
Auburn Environmental Park	413 Western Ave. NW	120
Auburn Golf Course	29630 Green River Rd. SE	180
Ballard	1612 37th Way SE	0.66
Bicentennial Park	502 Auburn Way S	1.07
B Street Plaza	148 E Main St.	0.10
Brannan	1019 28th St. NE	26.63
Cameron	3727 Lemon Tree Lane	3.83
Cedar Lanes	1002 25th St. SE	8.27
Centennial Viewpoint	402 Mountain View Dr.	0.7
City Hall Plaza	25 West Main St.	1.10
Clark Plaza	1420 Auburn Way N	0.25

<u>Park Name</u>	<u>Address</u>	<u>Proximate Acres</u>
Clark Property	1300 block, Oravetz Road – Parcel No. 302105-9025 SE ¼ of SE ¼ Lying South of Stuck River, less Roads, Sec. 30, Twp. 21 N, Rge. 5 E WM	26.68
Community Garden	1030 8th St. NE	1.04
Dorothy Bothell Park	1087 Evergreen Way SE	4
Dykstra	1487 22nd St. NE	1.78
Fenster Nature Park	2033 4th St. SE	12.58
Forest Villa	1647 Fir St. SE	0.23
Fulmer Park	1101 5th St. NE	5.13
Gaines Park	1008 Pike St. NW	1.34
Game Farm	3030 R St. SE	53.0
Game Farm Wilderness	2401 Stuck River Dr. SE	72.0
GSA Park	413 15th St. SW	6.13
Indian Tom Park	1316 6th St. NE	0.43
Isaac Evans	29827 Green River Rd. SE	19.87
Jacobsen Tree Farm	29387 132nd Ave. SE	29.3
Jornada Park	1433 U Ct. NW	1.89
Kersey Way A	5480 Charlotte Ave. SE	2.73
Kersey Way B	5530 Udall Ave. SE	0.79
Lakeland Hills	1401 Evergreen Way SE	5.05
Lea Hill	31693 124th Ave. SE	9.0
Lea Hill Tennis Courts	32121 105th Pl. SE	1.18
Les Gove	910 9th St. SE	20.86
Mary Olson Farm	28728 Green River Rd. SE	67
Mill Pond	4582 Mill Pond Dr. SE	4
Mountain View Cemetery	2020 Mountain View Dr.	60
Pioneer Cemetery	8th St. NE and Auburn Way N	0.76
Plaza Park	2 West Main St.	0.19
Riverpoint Park	1450 32nd St. NE	3.8
Riversands Park	5014 Pike St. NE	1.76
Roegner Park	601 Oravetz Rd. SE	21.25
Rotary Park	2635 Alpine St. SE	4.14
Scottie Brown Park	1403 Henry Rd. NE	1.34
Shaughnessy Park	3302 21st St. SE	3.46
Slaughter Memorial	2988 Auburn Way N	0.02
Sunset Park	1420 69th St. SE	15
Terminal Park	1292 C St. SE	1.2
Veterans Memorial	405 E St. NE	7.65
Village Square Park	12111 SE 310th St.	1.10
West Hill Lake Property	32054 58th Ave. S	9.25

**AREA V. TRAIL AND RECREATIONAL PROPERTIES:**

~~The following~~ In addition to the above described park properties, the city park property anti-drug emphasis area includes any and all properties, whether owned by the city or not, on which any part thereof is used for trail and/or recreational purposes and which is maintained, in whole or in part, by the city of Auburn, including but not limited to the following:

~~1. Interurban Trail.~~ This trail parallels the Union Pacific Railroad for much of its length. The Interurban Trail currently runs north to south through Tukwila, Kent, Auburn, Algona and Pacific, and is approximately 17 miles long, with 4.5 miles in Auburn.

~~2. White River Trail.~~ The White River Trail, within Roegner Park, extends along the White River to the Game Farm Wilderness Park for 2.25 miles.

~~3. Lakeland Linear Trail.~~ Lakeland Linear Trail meanders from Evergreen Way along Lakeland Hills Way connecting to Sunset Park.

~~4. Reddington Levee Trail.~~ This trail goes from Brannan Park/Brannan St., north to I St. along the Green River, for 1.7 miles.

~~5. C Street Trail.~~ The C Street Trail extends from Ellingson Road SW, along C Street SW, to 15th Street SW.

~~C. Each of the above described/designated anti-drug emphasis areas includes all rights-of-way located within the described areas and also includes any and all rights-of-way adjacent to the outer perimeter thereof.~~

~~D. Each of the above described/designated anti-drug emphasis areas includes the total real estate parcel area of all parcel where any part of which is located within any of the above described designated anti-drug emphasis areas.~~

2. Designation of additional areas. A judge hearing City controlled substance-involved criminal cases may also identify additional or different areas of the City applicable to an individual case in an order entered under this section.

3. Review of area designations. The areas designated in this section shall be reviewed in accordance with ACC 9.24.090.

B. Enforcement of area designations.

1. Court issuance of "Stay out of Drug Areas" or "SODA" orders. A judge hearing a City criminal case may issue a "Stay out of Drug Areas" or "SODA" order if reasonably satisfied that the charge or conviction involves a controlled substance as defined by State or Federal law. A SODA order may prohibit the defendant from entering specified areas designated in this section, individual locations within such specified areas, or other areas identified under subsection A.2 of this section. SODA orders issued under this section shall:

a. Be written;

b. Specify the area or areas that the defendant is prohibited from entering, and/or any exceptions to such prohibitions that apply in an individual case;

c. Indicate the order's duration, which shall not exceed the court's jurisdiction over the underlying case proceedings; and



d. Be served by the court on the Defendant at the time of its issuance or as soon as practicable thereafter.

2. Recall or modification of order. If the court recalls or modifies the terms of an issued SODA order, the recall or modification shall be written and served on the defendant as soon as practicable.

3. Transmittal of records to police department. Upon issuance, modification or recall of a SODA order, the court shall promptly provide the City police department with a copy of the applicable documents for entry into local law enforcement records.

4. Violation of SODA order as criminal offense—penalties.

a. A knowing and willful violation of a SODA order issued by a court under this chapter is a gross misdemeanor with a maximum penalty of 364 days in jail and/or a \$5,000 fine.

b. Mandatory minimum penalties. The following SODA order violation convictions carry a mandatory minimum penalty of 30 days in jail:

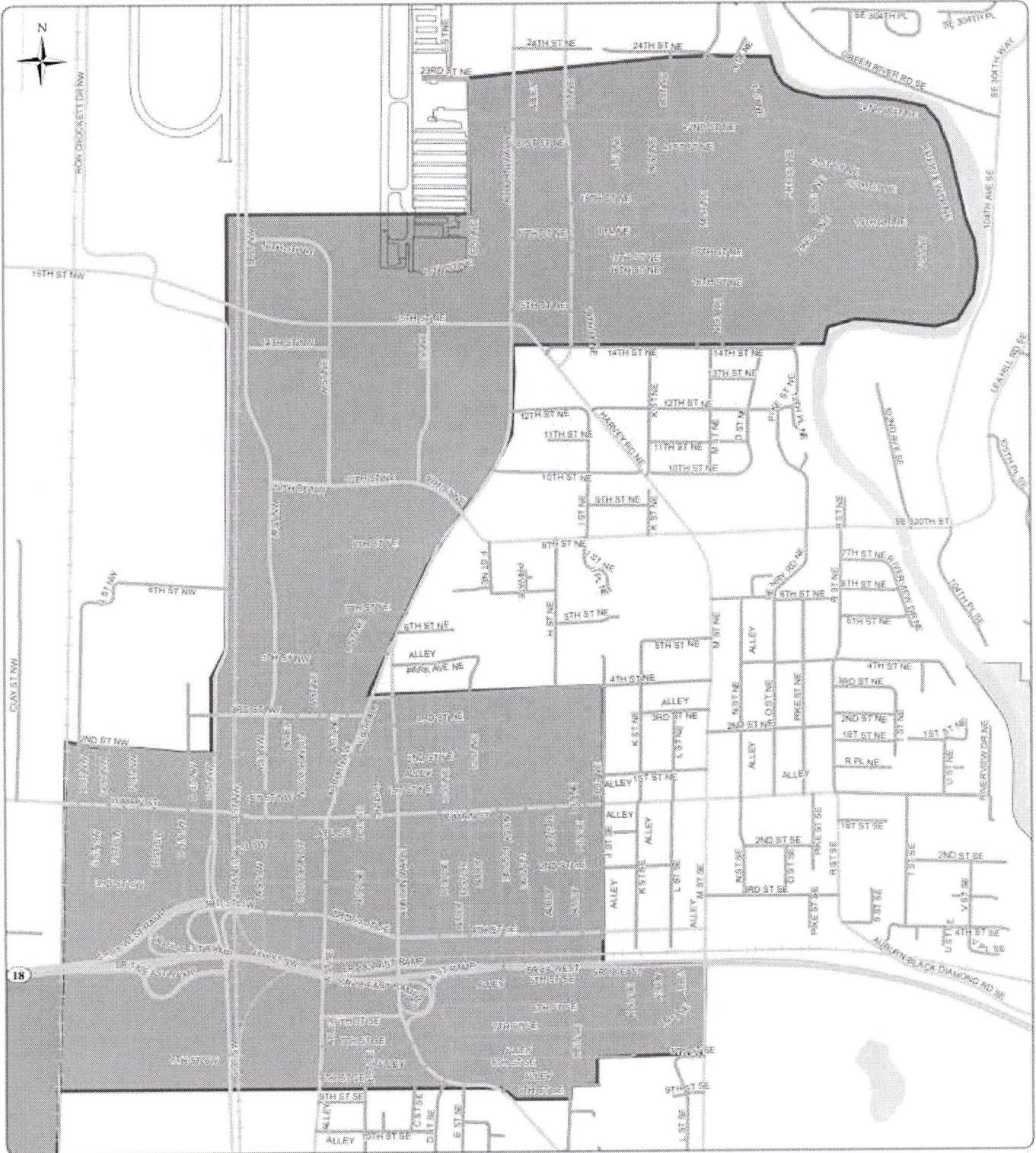
(i) A third or subsequent conviction of this section;

(ii) A violation that occurs at or within 1,000 feet of a playground, day care, or school; or

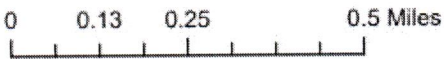
(iii) A violation that involves any assault or other acts of violence against another person or persons.



# Anti-Drug Emphasis Area 1



Map No. 210-2002  
Map No. 6187



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# Anti-Drug Emphasis Area 2

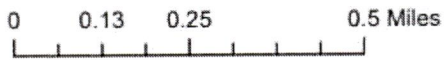


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# Anti-Drug Emphasis Area 3

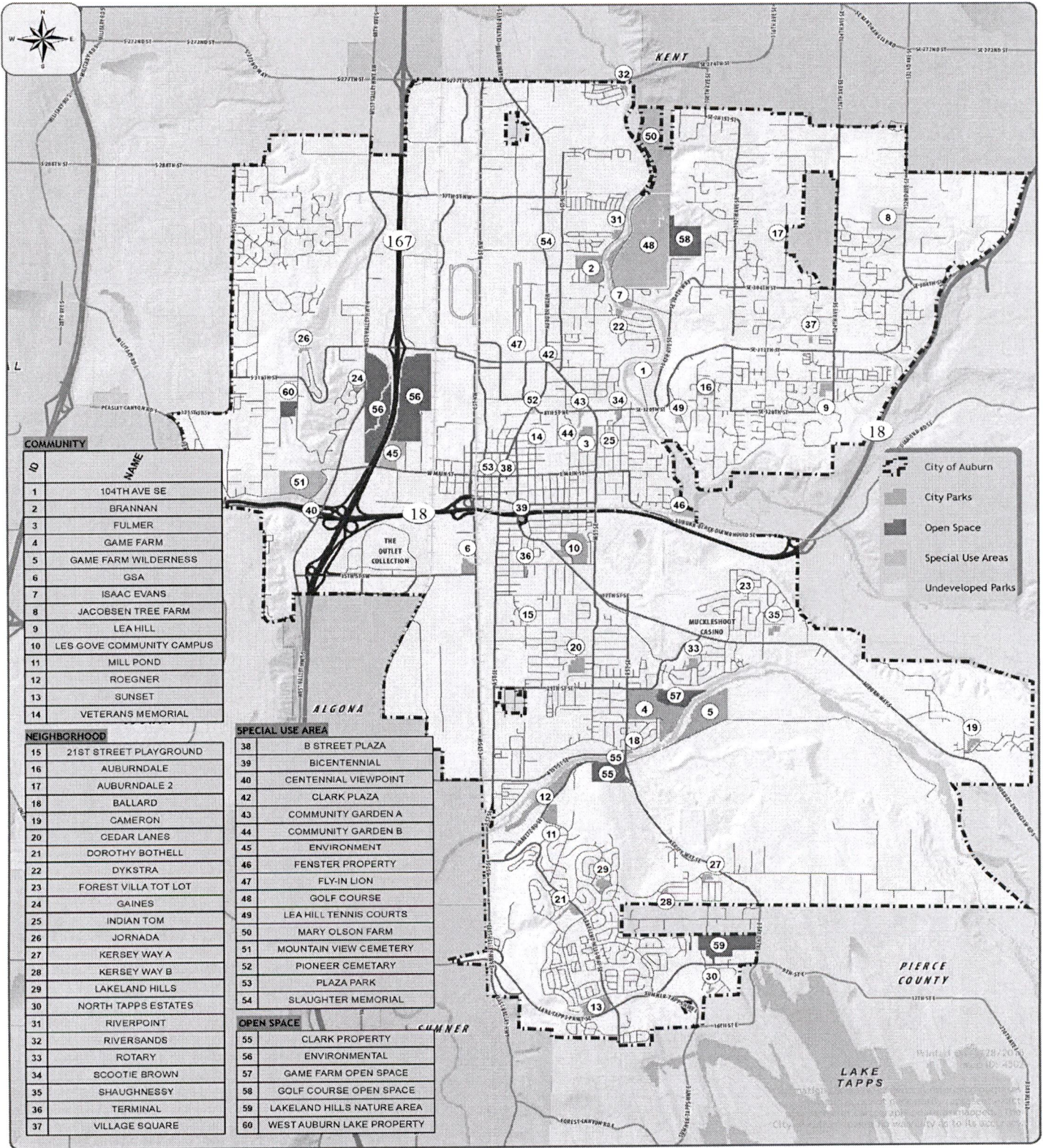


Printed On: 2/7/2002  
Map ID: 4129

Information shown is for general reference purposes only and does not necessarily represent exact geographic or cartographic data as required. The City of Auburn does not warrant its GIS software.



# City of Auburn Parks Inventory Map



COMMUNITY	
ID	NAME
1	104TH AVE SE
2	BRANNAN
3	FULMER
4	GAME FARM
5	GAME FARM WILDERNESS
6	GSA
7	ISAAC EVANS
8	JACOBSEN TREE FARM
9	LEA HILL
10	LES GOVE COMMUNITY CAMPUS
11	MILL POND
12	ROEGNER
13	SUNSET
14	VETERANS MEMORIAL

NEIGHBORHOOD	
ID	NAME
15	21ST STREET PLAYGROUND
16	AUBURNDALE
17	AUBURNDALE 2
18	BALLARD
19	CAMERON
20	CEDAR LANES
21	DOROTHY BOTHELL
22	DYKSTRA
23	FOREST VILLA TOT LOT
24	GAINES
25	INDIAN TOM
26	JORNADA
27	KERSEY WAY A
28	KERSEY WAY B
29	LAKELAND HILLS
30	NORTH TAPPS ESTATES
31	RIVERPOINT
32	RIVERSANDS
33	ROTARY
34	SCOOTIE BROWN
35	SHAUGHNESSY
36	TERMINAL
37	VILLAGE SQUARE

SPECIAL USE AREA	
ID	NAME
38	B STREET PLAZA
39	BICENTENNIAL
40	CENTENNIAL VIEWPOINT
42	CLARK PLAZA
43	COMMUNITY GARDEN A
44	COMMUNITY GARDEN B
45	ENVIRONMENT
46	FENSTER PROPERTY
47	FLY-IN LION
48	GOLF COURSE
49	LEA HILL TENNIS COURTS
50	MARY OLSON FARM
51	MOUNTAIN VIEW CEMETERY
52	PIONEER CEMETARY
53	PLAZA PARK
54	SLAUGHTER MEMORIAL

OPEN SPACE	
ID	NAME
55	CLARK PROPERTY
56	ENVIRONMENTAL
57	GAME FARM OPEN SPACE
58	GOLF COURSE OPEN SPACE
59	LAKELAND HILLS NATURE AREA
60	WEST AUBURN LAKE PROPERTY

Revised 05/28/2014  
 Scale: 1" = 450'  
 City of Auburn Parks Inventory Map  
 City of Auburn, Washington