

**CITY OF MONROE
ORDINANCE NO. 011/2020**

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING CHAPTER 9.25 MMC STAY OUT OF DRUG AREAS (SODA) ORDERS; CLARIFYING THE LEGAL EFFECT OF SODA ORDER VIOLATIONS AS SEPARATELY PUNISHABLE GROSS MISDEMEANORS; PROVIDING FOR SEVERABILITY; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the City has adopted and codified at Chapter 9.25 MMC standards and procedures for designating certain areas within the City as Stay Out of Drug Areas (SODAs), and authorizing the Monroe Municipal Court to condition the pretrial release and/or the post-conviction deferral or suspension of sentence for drug offenses upon the defendant's continued physical exclusion from such areas; and

WHEREAS, the City Council desires to amend Chapter 9.25 MMC by clarifying the legal effect of SODA order violations as separately enforceable gross misdemeanors in their own right;

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

Section 1. Legislative Findings. The above recitals, together with the content of Agenda Bill No 20-121, are hereby adopted as legislative findings in support of this ordinance.

Section 2. Amendment of MMC 9.25.040. Section 9.25.040 of the Monroe Municipal Code is hereby amended to provide in its entirety as follows:

9.25.040 Violation of order – Rearrest - Penalties.

A. Written orders issued under this chapter shall contain the court's directives and shall bear the legend:

WARNING: Violation of this order subjects the violator to arrest under this chapter and shall constitute a separate criminal offense and may result in imposition of suspended or deferred jail time and/or fine.

B. Whenever a law enforcement officer shall have probable cause to believe that a person subject to an order issued under this chapter and the person knows of the order, and that a violation of the order is occurring in the officer's presence, the officer shall have the authority to bring the person before the court wherein the order was issued, and

for such purpose may rearrest such person without warrant or other process.

C. A person who knowingly and willfully disobeys a SODA (“Stay Out of Drug Areas”) order issued under this chapter is guilty of a gross misdemeanor and shall be punished by a fine of not more than five thousand dollars or imprisonment for up to three hundred sixty-four days, or both such fine and imprisonment.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 25th day of August, 2020.

First Reading: August 11, 2020
Adoption: August 25, 2020
Published: August 30, 2020
Effective: September 4, 2020

CITY OF MONROE, WASHINGTON:



Geoffrey Thomas, Mayor

(SEAL)

APPROVED AS TO FORM:

ATTEST:



Becky Hasart (Aug 26, 2020 09:33 PDT)
Rabecca R. Hasart, Interim City Clerk



Zach Lell (Aug 26, 2020 09:46 PDT)
J. Zachary Lell, City Attorney