

CHAPTER 8.36
LOITERING - DRUG RELATED ACTIVITY

Sections:

- 8.36.010 Loitering for the Purpose of Engaging in Drug Related Activity
- 8.36.020 Penalty

8.36.010 Loitering for the Purpose of Engaging in Drug Related Activity:

- A. It is unlawful for any person to loiter in or near any thoroughfare, place open to the public, or near any public or private place in a manner and under circumstances manifesting the purpose to engage in drug related activity contrary to any of the provisions of Chapters 69.41, 69.50, or 69.52 of the Revised Code of Washington.
- B. No arrest shall be made for a violation of this section unless the arresting officer first affords such person an opportunity to explain such conduct, and no person shall be convicted of violating this section if it appears at trial that the explanation given was true and disclosed a lawful purpose.
- C. Included among the circumstances which may be considered in determining whether such purpose is manifested but not limited thereto area:
 - 1. Such person is a known, unlawful drug user, possessor, or seller. For purposes of this chapter "known, unlawful drug user, possessor, or seller" is a person who has, within the knowledge of the arresting officer, been convicted in any court within the state of any violation involving the use, possession, or sale of any of the substances referred to in Chapter 69.41, 69.50, and 69.52 of the Revised Code of Washington, or such person has been convicted of any violation of any of the provisions of said chapters of the Revised Code of Washington or substantially similar laws of any political subdivision of this state or of any other state.
 - 2. The area involved is by public repute known to be an area of unlawful drug use and trafficking.
 - 3. The premises involved have been known to have been reported to law enforcement as a place suspected of drug activity pursuant to Chapter 69.52 of the Revised Code of Washington.
 - 4. Any vehicle involved known to be registered to a known, unlawful drug user, possessor, or seller, or for which there is an outstanding warrant for a crime involving drug related activity.
 - 5. Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is then engaged in an unlawful drug related activity.
 - 6. Such person takes flight upon the appearance of a police officer.
 - 7. Such person manifestly endeavors to conceal himself or herself or any object that reasonably could be involved in an unrelated drug activity.
 - 8. Such person transfers small objects or packages for currency in a furtive fashion.
 - 9. Such person refuses to identify himself or herself upon the request of an identified police officer. (Ord. 1366, 1989)

8.36.020 Penalty: Violation of this chapter shall be deemed a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000). (Ord. 1927, 4/11/00; Ord. 1366, 1989)