

ORDINANCE

984

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON, DECLARING IT TO BE THE POLICY OF THE CITY OF LACEY TO ENCOURAGE INVOLVEMENT IN DECISION MAKING AMONGST THE YOUTH IN OUR COMMUNITY, INCREASE OPPORTUNITIES FOR POSITIVE YOUTH ACTIVITIES AND EXPERIENCES WITHIN THE CITY AND TO ENHANCE THE QUALITY OF LIFE FOR THE YOUNGER CITIZENS OF LACEY AND WHILE DECLARING THIS POLICY OF THE CITY IN SUPPORT OF YOUNG PEOPLE TO ALSO DECLARE IT TO BE THE POLICY OF THE CITY OF LACEY AND ITS CITIZENS THAT GANG ACTIVITIES IN THE CITY OF LACEY WILL NOT BE TOLERATED AND IN SUPPORT OF SAID DECLARATION, ADDING SECTIONS TO THE LACEY MUNICIPAL CODE SETTING MINIMUM PENALTIES FOR VIOLATION OF CERTAIN LAWS AS PART OF GANG ACTIVITY AND FURTHER CREATING WEAPON FREE ZONES IN THE CITY.

WHEREAS, school officials, parents, city officials, teenagers and other residents of our community have declared their willingness to serve and act in a manner which will encourage involvement of our young people in community decision making, provide increased opportunities for positive activities and experiences for young people and generally to enhance the quality of life within our community and the Council wishes to declare its support for such activities; and

WHEREAS, the Council finds on the basis of statistics from its own and neighboring police departments that the serious gang activity which had previously spread throughout the major cities of the United States, has now reached many of the smaller communities including Thurston County and the cities located within the county including the city of Lacey; and

WHEREAS, the possession of weapons on school grounds by students is

already prohibited by the North Thurston School District but it would be of benefit to create a zone surrounding said school premises where weapons are prohibited; and

WHEREAS, the serious nature of this spread of gang activity made itself known to the entire community through the recent death of a young teenager in the city of Lacey; and

WHEREAS, although declaration of felony crime and the penalties for the commission of such crime is set by State law, certain crimes which can be declared and regulated by the city of Lacey are with increasing frequency committed as part of gang activity; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. It is the policy of the City Council of the city of Lacey, to take all steps necessary in cooperation with officials of the North Thurston School District, volunteer organizations, youth within our community, their parents and all other citizens of Lacey to:

1. Promote existing and future programs within our schools such as the Drug Abuse Resistance Education program (D.A.R.E.), Gang Resistance Education And Training (G.R.E.A.T.), the established Police/Youth Advisory Boards and further a general youth board advisory to the City Council.
2. Support and encourage nighttime and weekend youth activity programs.
3. Encourage safety within the community with programs such as Neighborhood Watch, Speakers Bureau and programs in parenting skills.

Section 2. The City Council on behalf of the city and its residents, declares that gang activities will not be tolerated in the

city of Lacey. As first steps in carrying out said declaration, the Council hereby sets forth the minimum penalties for crimes committed as part of gang activity as part of Section 3 of this ordinance and declares weapon free zones within the city as set forth in section 4 hereof.

Section 3. Section 9.04.040(d) of the Lacey Municipal Code is hereby amended to read as follows:

(d) If the court finds that a person convicted of a violation of section 9.12.010 (simple assault), 9.12.020 (reckless endangerment), 9.12.030 (coercion), 9.12.050 (intimidating phone calls), 9.12.060 (harassment), 9.24.010 (disorderly conduct), 9.24.020 (riot), 9.24.060 (disrupting school activities), 9.28.020 (malicious mischief) or 9.28.080 or 9.28.090 (criminal trespass) intentionally committed the acts necessary for conviction because of such persons perception of the race, color, religion, ancestry, national origin, group association, gender, sexual orientation, or mental, physical, or sensory handicap of the victim or victims, or that the violation was part of a gang initiation or a gang activity, the court shall impose a minimum fine of not less than \$500.00 and a minimum jail sentence of not less than five days for each such offense. Neither the mandatory minimum jail sentence nor the mandatory minimum fine shall be suspended or deferred, nor shall the jail sentence be served by alternate means. For purposes of this subsection, the terms "gang", "gang activity", "gang initiation", and "gang member", are defined as follows:

(1) "Gang" shall mean two or more people who form an allegiance for a common purpose and engage in unlawful activity.

(2) "Gang activity" shall mean the committing of unlawful activities by gang members or unlawful activities that involve gang behavior such as symbols, slogans, graffiti and other known indications of gang involvement.

(3) "Gang initiation" shall mean the engaging in unlawful activity for the purpose of being accepted as a member of a gang.

(4) "Gang member" shall mean a person who, by reason of admission or other competent evidence is shown to be a member of a gang. Such evidence may include evidence of tatoos, club rosters, attendance lists, distinct and recognizable clothing or other competent evidence.

Section 4. Section 9.36.020 of the Lacey Municipal Code is

hereby amended to read as follows:

9.36.020 Concealed weapons. A person is guilty of a gross misdemeanor if he such person:

(1) Manufactures, sells, deposes of, or possesses any instrument or weapon of the kind usually known as a sand club, metal knuckles or spring-blade knife, or any knife the blade of which is automatically released by a spring mechanism or other mechanical device, or any knife having a blade which opens, falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement; or

(2) Furtively carries with intent to conceal, any dagger, dirk, revolver, pistol, firearm or other dangerous weapon or any other instrument by which injury could be inflicted upon the person or property of another; or

(3) Possesses upon the premises of an elementary or secondary public or private school or upon the premises of a public park or within one thousand feet of the exterior perimeter of any such school or park:

(a) Any explosive or explosive device; or

(b) Any device, commonly known as "nun-chu-ka sticks", consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means; or

(c) Any device, commonly known as "throwing stars", which are multi-pointed, metal objects designed to embed upon impact from any aspect; or

(d) Any firearm or any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas.

It is a defense to a prosecution for a violation of this subsection 3 that the person or company possessing those items listed in subparagraphs (b), (c) and (d) has a federal fire arms license to sell said items to qualified members of the public at a fixed commercial location and that such items are protected from public access except after such sale. It is further a defense to a prosecution for a violation of this subsection 3 that those items described in subsections (b), (c) and (d) are located and possessed totally within a private residence. It is further a defense to a prosecution under this subsection 3 that those items listed in subparagraph (d) are totally unloaded and are located within a motor vehicle which is not upon the premises of an elementary or secondary public or private school or upon the premises of a public park or travelling to or from the premises of such a school or park.

Provided, however, that this section shall not apply to peace officers and other persons whose duty is to execute process or warrants or to make arrests, or to persons who have been lawfully licensed to carry such weapons within the city.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON,
this 27th day of January, 1994.

CITY COUNCIL

By Jon W. Holmerson
Mayor

Attest:

Approved as to form:

Charlotte D. Taylor
City Clerk

[Signature]
City Attorney

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Monday