

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON**

IN THE MATTER OF:

RESOLUTION NO. 23-346

NOTICE OF HEARING REGARDING ORDINANCE 1351, WHICH WOULD ADD CHAPTER 9.30 LEWIS COUNTY CODE TO ESTABLISH A PROCESS BY WHICH THE COUNTY CAN DENY AN INDIVIDUAL ACCESS TO COUNTY PARKS AND MAKE VIOLATION OF SUCH AN EXCLUSION NOTICE A MISDEMEANOR

WHEREAS, Lewis County would like to establish a process by which it can deny an individual access to county parks if there is reasonable suspicion that while at a park, the person did one or more of the following:

- Violated any posted park rule, regulation or standard of conduct adopted by the county
- Violated any provision of Lewis County Code, including and without limitation illegal parking and illegal camping
- Attempted or committed any crime involving illegal drugs or damage to real or personal property
- Attempted or committed any felony

WHEREAS, the Lewis County Board of County Commissioners (BOCC) will hold a public hearing to consider and take public testimony regarding proposed Ordinance 1351, which would add Chapter 9.30 Lewis County Code to establish a process by which the county can deny an individual access to county parks and make violation of such an exclusion notice a misdemeanor; and

WHEREAS, the hearing will be held at or after 10 a.m. Nov. 21, 2023, in the Commissioners' Hearing Room on the second floor of the Historic Courthouse at 351 N.W. North Street in Chehalis.

NOW THEREFORE BE IT RESOLVED that the BOCC will hold a public hearing in the Commissioners' Hearing Room in the Historic Courthouse at 351 NW North Street in Chehalis at or after 10 a.m. Nov. 21, 2023, to consider and take public testimony about proposed Ordinance 1351, which would establish a process by which the county can deny an individual access to county parks and make violation of such an exclusion notice a misdemeanor; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Clerk of the Board is hereby instructed to proceed with all appropriate and necessary notifications, postings, and publications as required by law.

DONE IN OPEN SESSION this 7th day of November, 2023.

APPROVED AS TO FORM:
Jonathan Meyer, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

David Bailey
By: David Bailey,
Chief Civil Deputy Prosecuting Attorney

Sean D. Swope
Sean D. Swope, Chair

ATTEST:



Scott J. Brummer
Scott J. Brummer, Vice Chair

Rieva Lester, CMC
Rieva Lester, CMC,
Clerk of the Lewis County Board of
County Commissioners

Lindsey R. Pollock, DVM
Lindsey R. Pollock, DVM, Commissioner

Chapter 9.30.
Exclusion from County Parks and Facilities

Sections:

- 9.30.010 Definitions.
- 9.30.020 Exclusion from County Park or Facility.
- 9.30.030 No Prior Charge or Conviction Required.
- 9.30.040 Exclusion Notice.
- 9.30.050 Violation is a misdemeanor.
- 9.30.060 Administrative Review.
- 9.30.070 Severability.
- 9.30.080 Effective date.

9.30.010 Definitions

For purposes of this chapter, the following definitions apply:

- (1) "Person" means any individual or single human being.
- (2) "Park" means any park owned, controlled, managed, or maintained by the County, and includes the associated real property and facilities located thereon.
- (3) "Facility" or "Facilities" mean any improvement, building, structure, sign, gate, landscaping, vegetation, and/or other appurtenance on Park property.
- (4) "Exclusion" or "Excluded" mean the person is denied access to and barred from returning to the location.

9.30.020 Exclusion from County Park or Facility

A person may be excluded from using a Park or all Parks via a written exclusion notice if there is reasonable suspicion that while at a Park, the person (1) violated any posted Park rule, regulation, or standard of conduct adopted by the County; (2) violated any provision of the Code including without limitation illegal parking and illegal camping; (3) attempted or committed any crime involving illegal drugs or damage to real or personal property; or (4) attempted or committed any felony.

Reasonable suspicion to support an exclusion notice may be based upon observations by a law enforcement officer, the County's Parks and Recreation Director, other County employees or volunteers, and/or other witness reports.

A law enforcement officer, County's Parks and Recreation Director, or any of their designees shall effectuate service of an exclusion notice upon a Person by either hand-delivery of an exclusion notice to the Person or mail via certified mail to the Person at the Person's address as determined by the issuer of the exclusion notice after conducting a reasonable inquiry.

9.30.030 No Prior Charge or Conviction Required.

A Person may be issued an exclusion notice without being charged, tried, or convicted of any crime or infraction.

9.30.040 Exclusion Notice.

(1) The exclusion notice shall be in writing and signed by the issuing individual and shall contain:

- (A) the issuance date;
- (B) from which Park or Parks the Person is excluded;
- (C) a brief statement of the conduct that caused the exclusion notice to be issued;
- (D) the duration of exclusion pursuant to subsection 2 below; and
- (E) the person's right to administrative review pursuant to Code Section 9.30.060.

(2) The duration of exclusion for a first exclusion notice issued to a person per this Chapter shall not exceed six (6) months. The duration of exclusion for any subsequent exclusion notice or notices issued to a person per this Chapter shall not exceed one (1) year. Should a person receive an exclusion notice during a period of exclusion from a prior exclusion notice, the period of exclusion for the latter notice shall run consecutively to the prior period of exclusion.

9.30.050 Violation is a crime.

Should a person violate an exclusion notice issued pursuant to this Chapter by not complying with its terms and should it be the person's first violation of any exclusion notice issued pursuant to this Chapter, the violation shall be a misdemeanor and punished consistent with Code Section 1.20.020. Otherwise, should the person have violated any exclusion notice issued pursuant to this Chapter before, the violation shall be a gross misdemeanor and punished consistent with RCW 9A.20.021(2).

9.30.060 Administrative Review.

(1) Any individual in receipt of an exclusion notice may request a hearing for administrative review by the County's Parks and Recreation Director, but if the notice was issued by the Parks and Recreation Director, an individual may request a hearing for administrative review by the County Manager.

(2) A request for administrative review must be in writing and filed with the County Manager within 14 (fourteen) days after issuance of the exclusion notice. After 14 (fourteen) days without a request for administrative review being properly filed, the exclusion notice shall be final and there shall be no right to an administrative review.

(3) An administrative review hearing decision to confirm, modify, or rescind an exclusion notice shall be a final decision.

(4) A petition for judicial review of a final decision may be filed with the Lewis County Superior Court as provided by law.

9.30.070 Severability.

Should any section, paragraph, sentence, clause, or phrase of this chapter, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this chapter be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this chapter or its application to other persons or circumstances.

9.30.080 Effective Date.

The effective date of the ordinance codified in this chapter shall be the 22nd day of November 2023.

THEREFORE BE IT FURTHER ORDAINED, the code reviser may make such editorial changes to the online code as appropriate in light of its passage.

PASSED IN REGULAR SESSION THIS 21ST DAY OF NOVEMBER 2023, following a public hearing publicized in the newspaper of record on Nov. 7 and Nov. 9, 2023.

APPROVED AS TO FORM:
Jonathan Meyer, Prosecutor

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

By: David Bailey, Chief Civil DPA

Sean D. Swope, Chair

ATTEST:

Scott J. Brummer, Vice Chair

Rieva Lester, CMC, Clerk of the Board

Lindsey R. Pollock, DVM, Commissioner

DRAFT

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the LEWIS COUNTY, WASHINGTON, BOARD OF COUNTY COMMISSIONERS will hold a public hearing at or after 10 a.m. Nov. 21, 2023, to receive public testimony on Ordinance 1351, which would add Chapter 9.30 Lewis County Code to establish a process by which the county can deny an individual access to county parks and make violation of such an exclusion notice a misdemeanor.

The hearing will take place in the Commissioners' Hearing Room on the second floor of the Historic Courthouse in Chehalis, Wash. Interested parties are encouraged to check the Commissioners' Business Meeting agenda at <https://lewiscountywa.gov/offices/commissioners/agendas-calendar/> for a link to the draft ordinance, Zoom details and any scheduling updates. The agenda will be posted at least 24 hours in advance of the meeting. Please select the agenda for Nov. 7 (Notice) or Nov. 21 (Hearing) to view the draft ordinance. The draft is subject to change before or at the hearing.

To request a copy of the proposal or submit written comment, please contact Rieva Lester at rieva.lester@lewiscountywa.gov by 3 p.m. Nov. 20, 2023. Please include "Ordinance 1351" in the subject line. Comments also may be sent via postal service to BOCC, Ordinance 1351, 351 NW North Street, Chehalis, WA 98532.

The meeting site is barrier free. People needing special assistance or accommodations should contact Rieva Lester at 360-740-1419 at least 72 hours in advance of the meeting.

Publish in The Chronicle: Nov. 7 and 9, 2023

BOCC AGENDA ITEM SUMMARY

Resolution:

BOCC Meeting Date: Nov. 7, 2023

Suggested Wording for Agenda Item:

Agenda Type: Legal Notice

Notice of hearing regarding Ordinance 1351, which would add Chapter 9.30 Lewis County Code to establish a process by which the county can deny an individual access to county parks and make violation of such an exclusion notice a misdemeanor

Contact: Rieva Lester

Phone:

Department: BOCC - Board of County Commissioners

Description:

Notice of hearing regarding Ordinance 1351, which would add Chapter 9.30 Lewis County Code to establish a process by which the county can deny an individual access to county parks and make violation of such an exclusion notice a misdemeanor. The hearing will be Nov. 21.

Approvals:

User	Status
PA's Office	Approved

Publication Requirements:

Publications:

The Chronicle, Nov. 7 and 9

Additional Copies:

Cover Letter To: