

Chapter 9.30.

Exclusion from County Parks and Facilities

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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

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