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ORDINANCE NO. 451 - AN ORDINANCE APPROVING A REQUEST BY WALLA WALLA COUNTY TO CREATE A DRESS CODE FOR THE WALLA WALLA COUNTY FAIRGROUNDS, PROHIBITING THE DISPLAY OF CRIMINAL STREET GANG IDENTIFIERS DURING THE WALLA WALLA COUNTY FAIR AND FRONTIER DAYS OR OTHER COUNTY SPONSORED EVENTS, RESULTING IN A NEW CHAPTER 9.34 OF THE WALLA WALLA COUNTY CODE.

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**BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON**

ORDINANCE NO. 451

AN ORDINANCE APPROVING A REQUEST BY WALLA WALLA COUNTY TO CREATE A DRESS CODE FOR THE WALLA WALLA COUNTY FAIRGROUNDS, PROHIBITING THE DISPLAY OF CRIMINAL STREET GANG IDENTIFIERS DURING THE WALLA WALLA COUNTY FAIR AND FRONTIER DAYS OR OTHER COUNTY SPONSORED EVENTS, RESULTING IN A NEW CHAPTER 9.34 OF THE WALLA WALLA COUNTY CODE.

Whereas, the Walla Walla County Fair and Frontier Days has, since the 1990s, prohibited gang related attire or insignia; and

Whereas, Walla Walla County wishes to provide clear rules and regulations regarding what is prohibited attire or insignia during the Walla Walla County Fair and Frontier Days; and

Whereas, Walla Walla County has reviewed ordinances of other counties and found that Marin County, California has adopted Ordinance 3596, which addresses these issues in an appropriate fashion; and

Whereas, the Marin County Code provisions have been reviewed and modified to reflect local conditions; and

Whereas, the Walla Walla County Board of Commissioners has considered adoption of this Ordinance during a regularly and duly called public meeting of said Commission, has given careful review and consideration to said Ordinance, and finds said Ordinance to be in the best interests of the County of Walla Walla.

NOW THEREFORE,

BE IT ORDAINED, by the Walla Walla County Board of Commissioners that:

Section I. The Board of County Commissioners Makes the Following Findings of Fact:

1. Notice of a Public Hearing was published in the Walla Walla Union Bulletin on August 11, 2016.
2. The Board of County Commissioners held a public hearing on August 22, 2016 for the purpose of receiving testimony on the proposed amendments.

3. The Walla Walla County Fair and Frontier Days is intended to be a welcoming, family friendly venue for all members of the community.
4. Confrontations between criminal street gangs have occurred in Walla Walla County and surrounding communities.
5. Confrontations between criminal street gangs have occurred at other fairs in Washington and in other states; (e.g. Northwest Washington Fair 2011, Puyallup Fair, 2009).
6. Criminal street gang attire, tattoos, and other symbols can lead to confrontations and fights between criminal street gangs at the Fairgrounds.
7. Criminal street gang related confrontations can endanger other fairgoers.
8. Criminal street gang related confrontations, or the possibility of such confrontations, can result in reduced attendance at the Fair and other County sponsored events at the Fairgrounds.
9. The 2016 Walla Walla County budget shows that most of the Fair's revenue is made up of admission fees, concession rentals, ticket sales, rodeo tickets and event proceeds that are directly impacted by the number of fairgoers attending the Fair.
10. As the Fair depends on admissions, tickets, and concession rentals and other receipts for most of its funding, any reduced attendance will harm the longevity and quality of the Fair.
11. Public entrance to the County Fair is generally by paid admission only.
12. Criminal street gang related confrontations at the Fair can divert resources from the Fairgrounds' staff, Sheriff's Office staff and other Fair workers' abilities to undertake the day-to-day operations of the Fair; resulting in an diminishment of resources to adequately operate the Fair and provide for a safe environment.
13. A serious criminal street gang confrontation could potentially close down the Fair on any particular day, harming the longevity of the Fair.
14. Any potential for criminal street gang confrontation could disrupt the family-friendly, welcoming atmosphere of the Fair.

Section II. The Board of County Commissioners Makes the Following Conclusions of Law:

1. The County has reviewed and evaluated comments received from the public.
2. RCW 9.101.010 states that cities, towns, counties, or other municipalities may enact laws and ordinances relating to criminal street gangs that contain definitions that are consistent with definitions pursuant to RCW 9.94A.030.

3. Criminal street gangs are defined by State law as: “(A)ny ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.” RCW 9.94A.030.
4. Criminal street gang associates or members are defined by State law as: “‘Criminal street gang associate or member’ means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.” RCW 9.94A.030.
5. The proposed change to County Code is consistent with state law, as it adopts definitions contained in state law.
6. The intended purpose of the County Fairgrounds during the Fair and other County-sponsored events is to provide a safe, family friendly community event that is welcoming to all.
7. Displays of clothing, attire or other signs or signals related to criminal street gangs will likely result in posturing, intimidation and conflict between criminal street gangs which are incompatible with the purposes of the County fairgrounds during the Fair or other County sponsored events.
8. The prohibited items and prohibited displays in new Walla Walla County Code Chapter 9.34 are definite and objective.

Section III. Amendments to Walla Walla County Code, Creating New Chapter 9.34 The amendments to Walla Walla County Code, creating a new Chapter 9.34, are **adopted** as presented to the Board of County Commissioners on this date as attached in Exhibit A.

Section IV. Index. The index to any chapter of the Walla Walla County Code in which sections are added or removed or in which section titles are changed herein shall also be amended to reflect the section amendments.

Section V. Effective Date. This Ordinance is effective as of the date of signing.

Section VI. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Ordinance.

Section VII. Publication. This Ordinance will be published by an approved summary consisting of the title.



PASSED by the Walla Walla County Board of Commissioners in regular session at Walla Walla, Washington, then signed by its membership and attested by its Clerk in authorization of such passage this 22nd Day of August, 2016.

Attest:

Connie R Vinti
Connie R. Vinti, Clerk of the Board

James K. Johnson
James K. Johnson, Chairman, District 1

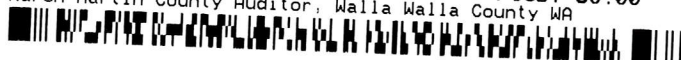
Perry L. Dozier
Perry L. Dozier, Commissioner, District 2

James L. Duncan
James L. Duncan, Commissioner, District 3

*Constituting the Board of County Commissioners
of Walla Walla County, Washington*

Approved as to form

Jesse D. Nolte
Jesse D. Nolte, Deputy Prosecuting Attorney



Chapter 9.34 Walla Walla County Fair Dress Code Policy

WALLA WALLA COUNTY FAIR DRESS CODE POLICY

9.34.010 Purpose

In order to promote a family-friendly, non-violent atmosphere, it is the policy of Walla Walla County to forbid, while on the grounds of the Walla Walla County Fair while the fair or other County-sponsored activity is ongoing, the wearing or display of identifiers of designated “criminal street gangs,” as defined in RCW 9.94A.030 as it exists or is hereafter amended, in a manner specified in WWCC 9.34.070.

9.34.020 Street Gang Identifier Categories

The following types of identifiers of designated criminal street gangs are subject to the Walla Walla County Fair Dress Code:

- A. Category One: Identifiers, including but not limited to clothing, tattoos, patches or other items with the name, initials, or symbol of a designated criminal street gang.
- B. Category Two: Identifiers, including but not limited to clothing, tattoos, patches or other items associated with a designated criminal street gang, that do not fall into Category One.

9.34.030 Designation of Criminal Street Gang Identifiers

In order to carry-out this policy, each year, a person designated by the Walla Walla County Sheriff who is a peace officer shall provide a comprehensive list of known active criminal street gangs and the identifiers associated with them. The peace officer shall review the definitions of “criminal street gang” and “criminal street gang associate or member” as defined by RCW 9.94A.030 as it exists or is hereafter amended. The peace officer may consult with other law enforcement officials who have received specialized training. The peace officer shall designate the identifiers as either Category One or Category Two, as specified in WWCC 9.34.020.

9.34.040 Listing of Criminal Street Gang Identifiers

This Walla Walla County Fair Dress Code Policy and the List of Prohibited Identifiers associated with active criminal street gangs shall be set forth on the Walla Walla County Fair's web site not less than seven days before the start date of the Walla Walla County Fair each year.

As the Fair takes place, the designated peace officer, or any other peace officer who has received specialized advanced training regarding criminal street gangs, may add or delete certain criminal street gang identifiers from the Walla Walla County Fair Dress Code Policy, as developments at the Fair warrant. In that event, the Walla Walla County Fair Dress Code Policy and List of Prohibited Identifiers kept by the attendants at each entrance to the fair, as specified in WWCC 9.34.050, shall be immediately updated to reflect that revision. The Walla Walla County Fair web site shall be updated to reflect that revision as soon as practicable thereafter.

Enforcement of the modified List of Prohibited Identifiers associated with active criminal street gangs may begin after any one of the following actions has been taken:

- A. The change has been posted on the Walla Walla County Fair website.
- B. The change has been posted on a copy of the Walla Walla County Fair Dress Code Policy and List of Prohibited Identifiers kept by the attendants at each entrance to the fair, as specified in WWCC 9.34.050.
- C. When any peace officer who has received specialized advance training regarding criminal street gangs, or any peace officer who has consulted with a peace officer who has received specialized advance training, determines that an individual is wearing a newly recognized identifier of a criminal street gang and personally informs the individual that the Walla Walla County Fair Dress Code Policy and List of Prohibited Identifiers will be amended to include such identifier. For purposes of enforcement under WWCC 9.34.060, the newly recognized identifier shall be treated like any other Category One or Category Two identifier, as the case may be, of a criminal street gang.

9.34.050 Signage and Copies of the Walla Walla County Fair Dress Code Policy and List of Prohibited Identifiers.

A sign shall be displayed at each entrance to the Walla Walla County Fair that states the following: "The display of identifiers associated with criminal street gangs is prohibited at the Walla Walla County Fair. You may ask the attendant to see a copy of the Walla Walla County Fair Dress Code Policy and List of Prohibited Identifiers." Staff at each entrance shall make available for inspection to any fairgoer who requests it, a copy of the Walla Walla County Fair Dress Code Policy and List of Prohibited Identifiers.

9.34.060 Enforcement of the Walla Walla County Fair Dress Code Policy

When a peace officer determines that a fairgoer is violating the Walla Walla County Fair Dress Code Policy by displaying, in a manner prohibited by this policy, identifiers associated with a designated criminal street gang, the peace officer may require of the fairgoer that he or she conceal from view or remove the identifier or leave the fair. A fairgoer's failure to conceal or remove from view the identifier or leave the fair shall be considered a revocation of any license, invitation, or privilege to attend and /or remain at the Walla Walla County Fair or other County



sponsored event, and such fairgoer may not lawfully remain on the Walla Walla County Fairgrounds or re-enter for the remainder of the County Fair or County sponsored event.

9.34.070 Walla Walla County Fair Dress Code Policy

While on the Walla Walla County Fairgrounds while the Fair or other County- sponsored event is ongoing, each of the following violates the Walla Walla County Fair Dress Code Policy:

- A. The wearing or displaying of one or more Category One identifiers of a designated criminal street gang.
- B. The wearing or displaying of one or more Category Two identifiers of a designated criminal street gang, combined with reasonable suspicion by a peace officer on duty that the fairgoer is a criminal street gang member or associate wearing a Category Two identifier to signify such membership or association. For purposes of this section, reasonable suspicion may be found, but is not limited to, the following situations:
 - 1. The fairgoer is a certified or verified criminal street gang member.
 - 2. The fairgoer is congregating with one or more individuals who are certified or verified criminal street gang members.
 - 3. The fairgoer is flashing criminal street gang signs or is congregating with one or more individuals flashing criminal street gang signs.
 - 4. The fairgoer is congregating with one or more individuals who are also wearing one or more Category One or Category Two identifiers of a designated criminal street gang.
 - 5. Statements the fairgoer makes to the peace officer lead that peace officer to conclude that the fairgoer is a criminal street gang member or associate wearing the Category Two identifier to signify such membership or association.

9.34.080 Incident Report

Whenever a peace officer expels a fairgoer under WWCC 9.34.060 for violating the Walla Walla County Fair Dress Code Policy, he or she shall complete an incident report that specifies the basis for the expulsion and, in the event the expulsion is related to the criteria in WWCC 9.34.070 (B), the basis for the reasonable suspicion that the fairgoer is a criminal street gang member or associate wearing a Category Two identifier to signify such membership or association.

In the event a peace officer takes any enforcement action pursuant to WWCC 9.34.060 that is based upon a newly recognized criminal gang identifier, as defined by WWCC 9.34.040(C), a similar incident report shall be completed.

