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**ORDINANCE NO. 465 APPROVING A REQUEST BY WALLA WALLA
EMERGENCY SERVICES COMMUNICATIONS FOR THE AMENDMENT OF
WALLA WALLA COUNTY CODE TITLE 9, CREATING CIVIL INFRACTION
PENALTIES FOR THE MISUSE OF THE 911 EMERGENCY RESPONSE
SYSTEM.**

Auditor File Number(s) of document being assigned or released:

Grantor

1. **Walla Walla County Commissioners**
- 2.
- 3.

Additional names on page ____ of document.

Grantee

1. **The Public**
- 2.
- 3.

Additional names on page ____ of document.

Legal description (i.e.: lot and block or section township and range)

n/a

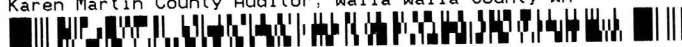
Additional legal is on page ____ of document.

Assessors Parcel Numbers

n/a

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

ORDINANCE NO. 465

**APPROVING A REQUEST BY WALLA WALLA EMERGENCY SERVICES
COMMUNICATIONS FOR THE AMENDMENT OF WALLA WALLA COUNTY
CODE TITLE 9, CREATING CIVIL INFRACTION PENALTIES FOR THE
MISUSE OF THE 911 EMERGENCY RESPONSE SYSTEM.**

Whereas, Walla Walla Emergency Services Communications (WESCOM) is the County's emergency dispatch center; and

Whereas, WESCOM currently handles in-excess of 100,000 calls for service annually, with approximately 25,000 of these received as 911 calls; and

Whereas, WESCOM is funded in part by County-wide taxes on phone, radio, wireless and voice over internet protocol lines, and is managed by the City of Walla Walla; and

Whereas, it is important that the 911 system be available for actual emergency use to provide aid to those who are experiencing a situation that requires an emergency fire, medical or law enforcement response; and

Whereas, misuse and abuse of 911 systems is a nationally recognized problem; and

Whereas, it is appropriate to enact civil infraction penalties for misuse of the 911 system for circumstances that do not amount to a criminal violation of state statutes; and

Whereas the following findings of fact and conclusions of law are hereby made:

Findings of Fact:

1. On April 21, 2017, a memorandum describing the need for the new code provisions was submitted by the City of Walla Walla's WESCOM manager.
2. On May 11, 2017, a Notice of Public Hearing was published in the Walla Walla Union Bulletin.
3. The 911 system may be abused by the making of prank calls, diversionary calls, exaggerated emergency calls, and "lonely complainant" calls.
4. Misuse of the emergency 911 system presents a danger to the public and first responders, as dispatchers are occupied with non-urgent calls.

5. Other municipalities, such as the cities of Edmonds and Richland, have enacted similar ordinances.

Conclusions of Law:

1. The proposed new Walla Walla County Code Chapter 9.36 is necessary to regulate public health, safety and welfare in Walla Walla County.
2. The proposed new Walla Walla County Code Chapter 9.36 will provide civil infraction penalties for misuse of the emergency 911 system.
3. The proposed new Walla Walla County Code Chapter 9.36 will discourage misuse of the 911 system.

WHEREAS, the Board of County Commissioners held a public hearing on May 22, 2017, for the purpose of receiving testimony for and/or against the proposed changes to the Walla Walla County Code;

NOW THEREFORE,

BE IT ORDAINED, by the Walla Walla County Board of County Commissioners that, based on the findings of fact and conclusions of law above, new Walla Walla County Code Chapter 9.36 is enacted, and the Walla Walla County Code is amended as follows.

Section 1. New Walla Walla County Code Chapter 9.36 is enacted as follows:

9.36.010 Purpose.

This chapter is intended to reduce the number of false requests for emergency assistance or similar misuse of the 911 emergency response system that occur within the County and result in waste of public resources. This chapter applies to any call or text message received on the Walla Walla County WESCOM system, and applies in incorporated and unincorporated areas within Walla Walla County.

9.36.020 Definitions.

The following persons or words used in this chapter shall be defined as set forth in this section:

A. "Person" includes any natural person, partnership, joint stock company, unincorporated association of society, or corporation of any character whatsoever; and

B. "Misuse of the 911 system" is a request for emergency response by calling or sending a text message to 911 when no actual emergency or potential emergency exists and when the caller or message sender does not have a good faith basis to request emergency assistance.

This chapter shall not be applicable to mechanical activations of request for assistance, nor shall it be interpreted to impose liability on any person who makes a good faith request for emergency assistance based on a reasonable, factual basis that an emergency situation exists or potentially exists.

9.36.030 Misuse of 911 system.

It shall be unlawful for any person to misuse the 911 system. It shall be an affirmative defense that the person cited has a good faith, reasonable, factual basis for the request.

9.36.040 Penalty.

Any violation of any terms of this chapter that does not constitute a violation of State law shall constitute a civil infraction punishable by the following fines:

First offense \$25.00

Second Offense within 1 year of first offense \$75.00

Third and subsequent offenses within 1 year of first offense.....\$250.00

Infractions may be issued by any general authority Washington peace officer, specially commissioned Washington peace officer (as those terms are defined by RCW 10.93.020), or Prosecuting Authority (as that term is defined by the Infraction Rules for Courts of Limited Jurisdiction Rule 1.2).

Section 2. Effective Date. This ordinance is effective immediately upon adoption.

Section 3. Savings and 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 4. Publication. This ordinance will be published by an approved summary consisting of the title.

PASSED by the Walla Walla County Board of County 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 May, 2017.



Attest:

Connie R Vinti

Connie R. Vinti, Clerk of the Board

James L. Duncan
James L. Duncan, Chairman, District 3

absent
James K. Johnson, Commissioner, District 1

Todd L. Kimball
Todd L. Kimball, Commissioner, District 2

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

Approved as to form

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

