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**ORDINANCE NO. 493 REPEALING ORDINANCE 451 AND REPEALING
CHAPTER 9.34 OF THE WALLA WALLA COUNTY CODE, THE WALLA
WALLA COUNTY FAIR DRESS CODE POLICY.**

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

ORDINANCE NO. 493

AN ORDINANCE REPEALING ORDINANCE 451 AND REPEALING CHAPTER 9.34 OF THE WALLA WALLA COUNTY CODE, THE WALLA WALLA COUNTY FAIR DRESS CODE POLICY.

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

Whereas, in 2016, Walla Walla County enacted Ordinance 451 to provide clear rules and regulations regarding what is prohibited attire or insignia during the Walla Walla County Fair and Frontier Days; and

Whereas, as a condition of a settlement agreement to settle Cause Number 4:20-CV-05009 in the Federal District Court of Eastern Washington, which was accepted by the Board of County Commissioners on October 24, 2022, Walla Walla County must repeal Ordinance 451 no later than August 15, 2023; 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 December 8 and 15, 2022.
2. The Board of County Commissioners held a public hearing on December 19, 2022, for the purpose of receiving testimony on the proposed repeal.

Section II. Repealing Ordinance 451 and Repealing Chapter 9.34. Ordinance 451 is **repealed**. The amendments to Walla Walla County Code, repealing Chapter 9.34 in its entirety,



are **adopted** as presented to the Board of County Commissioners on this date as attached in Exhibit A.

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

Section V. 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 VI. 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 27th day of December, 2022.

Attest:


Diane L. Harris, Clerk of the Board


Todd L. Kimball Chairman, District 2


Jennifer R. Mayberry, Commissioner, District 1


Gregory A. Tompkins, Commissioner, District 3

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

Approved as to form:


Jesse D. Nolte, Chief Civil Deputy Prosecuting Attorney

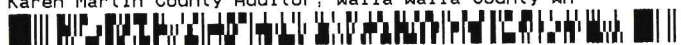


Exhibit A

CHAPTER 9.34 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.

(Ord. No. 451, § III(Exh. A), 8-22-2016)

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.

(Ord. No. 451, § III(Exh. A), 8-22-2016)

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.

(Ord. No. 451, § III(Exh. A), 8-22-2016)

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.

(Ord. No. 451, § III(Exh. A), 8-22-2016)

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.

(Ord. No. 451, § III(Exh. A), 8-22-2016)

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.

(Ord. No. 451, § III(Exh. A), 8-22-2016)



~~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.~~

~~(Ord. No. 451, § III(Exh. A), 8-22-2016)~~

~~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.~~

~~(Ord. No. 451, § III(Exh. A), 8-22-2016)~~

