

GRANT COUNTY BOARD OF COMMISSIONERS
Grant County, Washington

ORDINANCE NO. 05-218-CC
RESOLUTION NO. 05-218-CC

AN ORDINANCE CREATING CHAPTER 8.40 OF THE
GRANT COUNTY CODE, BANNING ALCOHOL IN THE
MOSES LAKE SAND DUNES AREA ON A YEAR ROUND
BASIS AND, OTHER MATTERS PROPERLY RELATING
THERETO.

RECITALS:

WHEREAS, the Board of County Commissioners and the Grant County Sheriff's Office desire to protect the public health, safety, welfare and property of the residents of Grant County and visitors, who utilize the Moses Lake Sand Dunes, from the dangerous combination of alcohol consumption, unregulated sand camping, and large numbers of people operating motorized equipment likely to cause damage to human beings, protected wildlife, animals and/or personal property; and

WHEREAS, the Moses Lake Sand Dunes Area has sufficiently undergone a significant increase in concentrations of people using the area for off-road vehicles and related uses, including without limitation, camping and riding, particularly during the summer months and other peak weekends, in numbers frequently larger than the populations of the majority of the cities and towns in Grant County; and

WHEREAS, members of the Grant County Sheriff's Office have observed the hazards and the potential for hazards to users of the Moses Lake Sand Dunes Area for recreational purposes, by persons consuming alcohol which is likely to cause harm to human beings, protected/regulated wildlife, animals and/or personal property, when there are large numbers of users of the Moses Lake Sand Dunes Area; and

WHEREAS, members of the Grant County Sheriff's Office have observed an increase in damage to natural resources due to alcohol use at the Moses Lake Sand Dunes, due to human waste outside of sanitary facilities, litter, illegal campfires. The degradation may soon threaten continued recreation use of the area; and

WHEREAS, members of the Grant County Sheriff's Office have observed an increase in vandalism to property in the Moses Lake Sand Dunes, including without limitation, public restrooms, signage and dumpsters; and

WHEREAS, members of the Grant County Sheriff's Office have observed an increase in large parties and alcohol use mixed with off road vehicle use and other illegal behavior at the Moses Lake Sand Dunes. Alcohol-related accidents, traumatic injuries and assaults have resulted during these times; and

WHEREAS, the large influx of people and animals into Grant County using the Moses Lake Sand Dunes and the combination of alcohol consumption, unregulated sand camping, and large numbers of people operating motorized equipment is likely to cause damage to human beings, protected/regulated wildlife, animals and/or personal property and, is a potential threat to the protected/regulated wildlife, animals and, the health, safety, welfare and property of visitors to Grant County and resident populations, requiring the ban of alcohol, on a year round basis; and

WHEREAS, members of the Grant County Sheriff's Office have observed an increase in off road vehicle use that includes large parties, alcohol mixed with off road vehicle use and other illegal behavior; and

WHEREAS, members of the Grant County Sheriff's Office have observed large groups of people and a "party-like" atmosphere, including drunkenness and nudity, occurring particularly on summer holiday weekends, in addition to accidents, traumatic injuries and assaults resulting during these times, and hazards and the potential for hazards inflicted on users of the Moses Lake Sand Dunes Area for recreational purposes, by persons consuming alcohol; and

WHEREAS, the Board of County Commissioners and the Grant County Sheriff's Office have been contacted by representatives of the local medical community, who have opined that, based on their training, education and experience, alcohol is a significant factor in many of the accidents wherein they have treated patients; and

WHEREAS, the Board of County Commissioners and the Grant County Sheriff's Office have been advised by representatives of the local medical community that, based on their training, education and experience, banning alcohol could significantly reduce accidents in the Moses Lake Sand Dunes, thereby avoiding human loss and suffering and, the significant demand on medical services, including without limitation, rural emergency response resources and services, during peak weekends; and

WHEREAS, determining which visitors to the Moses Lake Sand Dunes are operating vehicles under the influence of alcohol and which are not would essentially require stopping and checking each visitor, which is unrealistic for both visitors and the Grant County Sheriff's Office; and

WHEREAS, the Board of County Commissioners and the Grant County Sheriff's Office have found and determined that an alcohol ban is reasonable and necessary to address a dangerous situation at the Moses Lake Sand Dunes, with the intent of providing a safer recreation experience for all visitors and users of this area; and

WHEREAS, the Board of County Commissioners and the Grant County Sheriff's Office have determined that it is advisable and reasonably necessary for the health, safety and welfare of the residents of Grant County and visitors to the Moses Lake Sand Dunes, to ban alcohol to reduce the likelihood of harm to human beings, protected/regulated wildlife, animals and/or personal property; and

WHEREAS, the Board of County Commissioners and the Grant County Sheriff's Office have determined that it is advisable and reasonably necessary for the health, safety and welfare of the residents of Grant County and visitors to the Moses Lake Sand Dunes, to ban alcohol to reduce the drain on medical services, including without limitation, rural emergency response resources and

WHEREAS, police powers granted municipal entities under Washington law and the Constitution empower the Board of Commissioners of Grant County to enact ordinances for the reasonable regulation of the use, possession and/or consumption of alcohol. Now, Therefore, It Is Hereby,

ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF GRANT COUNTY, STATE OF WASHINGTON, THAT CHAPTER 8.40 GRANT COUNTY CODE, BE CREATED TO BAN THE USE, POSSESSION AND/OR CONSUMPTION OF ALL ALCOHOL IN THE MOSES LAKE SAND DUNES AREA THROUGHOUT THE YEAR:

Sections:

- 8.40.010 Declaration of policy.**
- 8.40.020 Definitions.**
- 8.40.030 Alcohol possession, consumption prohibited.**
- 8.40.040 Citation procedure.**
- 8.40.050 Penalties.**
- 8.40.060 Severability.**
- 8.40.070 Effective date.**

8.40.010 Declaration of policy.

It is hereby declared to be the policy of Grant County and in the public interest, and for the protection of the public health, safety, welfare and property of the residents of Grant County and visitors to the Moses Lake Sand Dunes, by minimizing the exposure of its residents and visitors to the Moses Lake Sand Dunes from the dangerous combination of alcohol consumption, unregulated sand camping, and large numbers of people operating off road motorized equipment likely to cause damage to human beings, protected/regulated wildlife, animals and/or personal property and, regulate same, pursuant to its police powers.

This entire chapter shall be deemed an exercise of the police power of Grant County for the protection of the welfare, health, peace, morals and safety of the people and, all of its provisions shall be liberally construed for the accomplishment of that purpose.

8.40.020 Definitions.

For the purpose of this chapter, the following words and phrases used in this chapter shall have the designated meaning unless a different meaning is expressly provided:

- A. **"Moses Lake Sand Dunes Area"** means the unincorporated area for off-road vehicles within Grant County, comprised of the following areas:

TOWNSHIP 18 NORTH, RANGE 28 EAST, W.M.

SECTION 7: Those portions of the SE 1/4 and the E 1/2, SW 1/4 lying South of the power line road.

SECTION 8: Those portions of the S ½ lying South of the Powerline road and ORV area defined by fence in the NW1/4, SE 1/4.

SECTION 9: Those portions lying South of Sand Dunes Road less (Tax #8020) that portion of Section 9, Township 18 North, Range 28 E.W.M., lying South of the County Road known as the Sand Dunes Road described as follows:

Commencing at the Southwest corner of said Section 9; thence North 00°44'05" East a distance of 1050 feet to a point on the West Section line of said Section 9; thence South 89°19'12" East a distance of 400 feet to the true point of beginning; thence North 00°44'05" East, a distance of 300 feet more or less, to a point on the Southern boundary of the right of way of the said County road known as the Sand Dunes Road; thence along said Right of way boundary in a Northeasterly direction, a distance of 450 feet; thence South 00°44'05" West in a Southerly direction a distance of 600 feet; thence Westerly in a straight line 350 feet more or less to the true point of beginning.

SECTION 10: S ½ and NE 1/4 South of Sand Dunes Rd.

SECTION 16: All.

SECTION 17: All.

SECTION 18: Those portions lying East of the Crab Creek Channel.

SECTION 20: Those portions lying East of the Crab Creek Channel.

SECTION 21: All.

SECTION 27: W 1/2, W 1/2.

SECTION 28: Those portions lying East of the Crab Creek Channel.

SECTION 29: Those portions lying East of the Crab Creek Channel.

- B. **“Person”** means individuals, corporations, partnerships, associations, or other legal entities, and agents of those entities.
- C. **“Alcohol”, “alcoholic beverage”, and/or “alcoholic liquor”** means any liquid or solid containing more than one-half of one percent alcohol by volume and capable of being consumed by a human being.
- D. **“Possession of alcohol”** includes containment within a motor vehicle, tent, or other structure by the owner, operator, or other person, having the authority or control of this location.
- E. **“Consume”** includes the putting of alcohol to any use, whether by drinking or otherwise.

All other words and phrases used in this chapter will have their commonly accepted meanings.

8.40.030 Alcohol Use, Possession And/Or Consumption Prohibited.

No person shall use, possess and/or consume alcohol, or participate in the use, possession and/or consumption of alcohol, at any time, in the Moses Lake Sand Dunes Area.

8.40.040 Citation procedure.

The procedures for issuance of a notice of infraction, hearings, assessments and payment of monetary penalties, shall be in accordance with the provisions of chapter 7.08 RCW. Hearings on notices of infractions issued pursuant to this chapter shall be held in Grant County District Court.

8.40.050 Penalties.

Failure to comply with the provisions of this chapter shall subject the violator to the following penalties:

- (1) First offense \$100.00
- (2) Second offense \$250.00
- (3) Third and subsequent offense \$500.00

8.40.060 Severability.

If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provisions to other persons or circumstances, shall not be affected.

8.40.070 Effective date.

The ordinance codified in this chapter shall take effect on the 1st day of May, 2005.

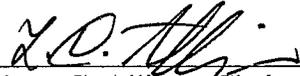
A public hearing will be held on the above ordinance at 1:30 o'clock, p.m, on the 18th day of April, 2005.

NOW THEREFORE, BE IT HEREBY RESOLVED THAT THE BOARD OF COUNTY COMMISSIONERS adopt this ordinance effective as set forth herein.

PASSED AND ADOPTED this 18th day of April, 2005.

BOARD OF COUNTY COMMISSIONERS
GRANT COUNTY, WASHINGTON

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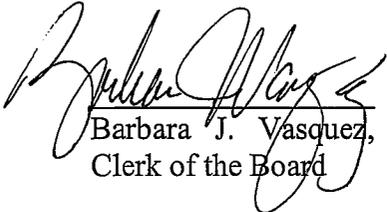


LeRoy C. Allison, Chair



Deborah Kay Moore, Member

ATTEST:



Barbara J. Vasquez,
Clerk of the Board



Richard B. Stevens, Member

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