

GRANT COUNTY BOARD OF COMMISSIONERS  
Grant County, Washington

RESOLUTION No. 05-231- CC  
ORDINANCE No. 05-231- CC

AN ORDINANCE AMENDING CHAPTER 8.40 OF THE GRANT COUNTY CODE BY ADDING THE BEVERLY SAND DUNES AREA TO THE AREAS IN GRANT COUNTY IN WHICH THE USE, POSSESSION AND/OR USE OF ALCOHOL IS PROHIBITED AND, OTHER MATTERS PROPERLY RELATING THERETO.

**RECITALS:**

**WHEREAS**, the Board of Commissioners (the "BOCC") has received a request from the Grant County Sheriff's Office requesting that the Beverly Sand Dunes Area be added to the areas within Grant County in which the use, possession and/or use of alcohol is prohibited; and

**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 Beverly 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/regulated wildlife, animals and/or personal property; and

**WHEREAS**, the Beverly 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 Beverly 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 Beverly 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 Beverly 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 Beverly 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 Beverly 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 Beverly 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 Beverly 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 Beverly 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 Beverly 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 Beverly 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 Beverly 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 Beverly 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; and

**WHEREAS**, the Board of County Commissioners previously passed an ordinance prohibiting the use, possession and/or consumption of alcohol in the Moses Lake Dunes area, codified in chapter 8.40 GCC. Now, Therefore, It Is Hereby,

**ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF GRANT COUNTY, STATE OF WASHINGTON, THAT CHAPTER 8.40 GCC BE AMENDED BY ADDING A NEW SUBSECTION (F) TO SECTION .020 AND, THE BEVERLY SAND DUNES AREA WHEREIN THE USE, POSSESSION AND/OR CONSUMPTION OF ALCHOL IS PROHIBITED.**

**Section 1.** Chapter 8.40 Grant County Code, adopted by Ordinance/Resolution No. 05-219-CC on April 18, 2005, is hereby amended by adding a new sub-section F. to section .020, to read:

**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 1/2 lying South of the power line 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 1/2 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.
- F. **“Beverly Sand Dunes Area”** means the unincorporated area for off-road vehicles within Grant County, comprised of the following areas:

Township 16 Range 23, Section 36, East W.M.

310 acres lying south of Lower Crab Creek Road.

Township 16, Range 24 E, Section 31, East W.M.

160 acres in the SW Quarter of Section 31.

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

**Section 2.** Chapter 8.40 Grant County Code, adopted by Ordinance/Resolution No. 05-219-CC on April 18, 2005, is hereby amended by adding language to section .030, to read:

**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 and/or the Beverly Sand Dunes Area.

**Section 3.** This ordinance shall take effect the 16<sup>th</sup> day of May, 2005.

**A public hearing was held on the above ordinance at 2 o'clock p.m., on the 9<sup>th</sup> day of May, 2005.**

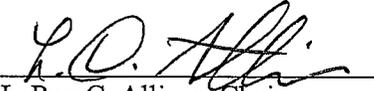
**NOW THEREFORE, BE IT HEREBY RESOLVED THAT THE GRANT COUNTY COMMISSIONERS** adopt this ordinance/resolution.

PASSED AND ADOPTED this 9<sup>th</sup> day of May, 2005.

**BOARD OF COUNTY COMMISSIONERS  
GRANT COUNTY, WASHINGTON**

Yea    Nay    Abstain

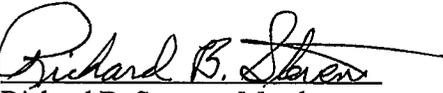
      

  
LeRoy C. Allison, Chair

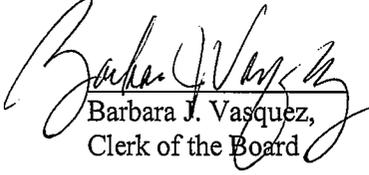
      

  
Deborah Kay Moore, Member

  
Richard B. Stevens, Member

ATTEST:

  
Barbara J. Vasquez,  
Clerk of the Board

PUBLISHED: 04/22/05; 05/02/05