

**BEFORE THE LEWIS COUNTY BOARD OF COUNTY
COMMISSIONERS
OF LEWIS COUNTY, WASHINGTON**

AN ORDINANCE OF LEWIS COUNTY, WASHINGTON)
ADDING A NEW CHAPTER TO TITLE 10 OF THE COUNTY) **ORDINANCE No.**
1257
CODE ENUMERATING EXCEPTIONS TO MARKING)
COUNTY VEHICLES)

WHEREAS, Washington statute, RCW 46.08.065, generally provides for county vehicles to be marked while engaged in county business or operating on the public highways unless the county’s governing body adopts a rule or regulation enumerating exceptions to the marking requirement;

WHEREAS, RCW 46.08.065 permits the use of unmarked sheriff’s office vehicles for “special undercover or confidential investigative purposes” only, unless the governing body of the county adopts additional exceptions to the marking requirement;

WHEREAS, RCW 46.08.065 - .066 enumerate certain exceptions that may be enacted into law by the governing body, including exceptions for: (1) sheriff’s office vehicles used for general undercover or confidential investigative purposes, (2) other county vehicles used for law enforcement purposes, for confidential public health work, for public assistance fraud or support investigative purposes, and (3) vehicles leased or rented by the county on a casual basis for a period less than ninety days;

WHEREAS, RCW 46.08.065 also authorizes an exception from the marking requirement for sheriff’s vehicles used in traffic control, which exception it is this Board’s intention would be used by the sheriff’s office (1) when a crime or traffic infraction is witnessed by or committed in the presence of a sheriff’s deputy in an unmarked patrol vehicle and such vehicle is the closest or best available sheriff’s vehicle to respond or (2) in special enforcement circumstances, such as when emphasis patrols are used to respond to specific, reported criminal activity;

WHEREAS, this Board published a proposed ordinance in the legal newspaper and noticed and held public hearings on January 26, 2015, February 9, 2015, and April 6, 2015, at which hearings public testimony was taken concerning the proposal;

WHEREAS, upon consideration of the public testimony and the entire record in this matter, this Board of County Commissioners finds that it is in the interest of public safety, health and welfare to permit the use of unmarked vehicles for the purposes herein stated;

WHEREAS, this Board expressly reserves to itself the right to determine whether county vehicles are used for the enumerated purposes;

NOW, THEREFORE BE IT ORDAINED by the Lewis County Board of County Commissioners that:

1. Lewis County adopts and incorporates the new chapter 10.36 into the Lewis County Code as follows:

Chapter 10.36 VEHICLE MARKING

10.36.010 Marking—Requirements and Exceptions

(A) All county vehicles shall be marked in accordance with RCW 46.08.065, as amended, with the exceptions permitted therein of the following:

- (1) Sheriff's vehicles used for special or general undercover or confidential investigative purposes;
- (2) Sheriff's vehicles used for traffic control;
- (3) Passenger motor vehicles owned or controlled by the county and assigned to the county jail, the county prosecuting attorney's office, the county juvenile court services, or other county personnel, and used for law enforcement purposes, including but not limited to confidential public health work or public assistance fraud or support investigative purposes; and
- (4) Vehicles leased or rented by the county on a casual basis for a period of less than ninety days.

(B) The board of county commissioners reserves the right to determine whether county vehicles are used for the purposes listed in the exceptions to the rule enacted in Section 10.36.010(A).

2. This Ordinance adds only chapter 36 to Title 10 Lewis County Code. All other provisions of the Lewis County Code shall remain in full force and effect.

3. If any part of the action taken herein is found to be invalid by a court of competent jurisdiction, the remainder of the actions taken shall be deemed valid and shall continue in full force and effect.

4. The provisions of this Ordinance 1257 are in the public interest and this Ordinance shall take effect immediately upon adoption by this Board.

PASSED IN REGULAR SESSION THIS 6th day of April, 2015, after public hearings were held, pursuant to notices published in the *Chronicle* on March 17, 2015 and in the *East County Journal* on March 18, 2015.

APPROVED AS TO FORM:
Jonathan L. Meyer, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

Glenn Carter, Deputy Prosecuting Attorney

Edna J. Fund, Chair

ATTEST:

P.W. Schulte, Vice Chair

Karri Muir, CMC, Clerk of the Board

Gary Stamper, Commissioner