

AN ORDINANCE ESTABLISHING POLICIES AND  
PROCEDURES GOVERNING THE USE OF  
ALTERNATE EMERGENCY ROUTES; DEFINING  
PROHIBITED ACTS; AND ESTABLISHING  
PENALTIES FOR VIOLATIONS

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3 WHEREAS, the Board of County Commissioners has determined that alternate emergency  
4 routes should be established over private roads in some areas of the County to provide a means of  
5 access for residents cut off from the county road system due to flooding or other natural disasters;  
and

6 WHEREAS, it is in the interests of the public health, safety, and welfare to establish rules  
7 and regulations governing the use of such alternate emergency routes;

8 NOW, THEREFORE:

9 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
10 WAHKIAKUM COUNTY, WASHINGTON, as follows:

11 Section 1. Definitions. Unless specifically defined in this Section, words or phrases  
12 used in this Ordinance shall be interpreted so as to give them the meaning they have in common  
usage and give this Ordinance its most reasonable application.

- 13 A. "Alternate Emergency Route" means a road that is not an established County  
14 Road which has been designated by the Wahkiakum County Public Works  
15 Department as an emergency access route for use by county residents at such  
16 times when public roads are impassable due to floods, earthquakes, landslides  
or other natural disasters.
- 17 B. "Local Access Use" means use by vehicles owned by persons residing in the  
18 immediate vicinity of an alternate emergency route for the specific purposes  
19 of commuting to work and access to essential goods and services such as  
food, medicine, and medical care.
- 20 C. "Phase 1 Road Use" means use of an alternate emergency route is only  
21 authorized for licensed emergency vehicles, public works department  
vehicles, public utility district vehicles, and private utility repair vehicles.
- 22 D. "Phase 2 Road Use" means use of an alternate emergency route is authorized  
23 for licensed emergency vehicles, county public works vehicles, public utility  
24 district vehicles, private utility repair vehicles, and local access use only.

25 Section 2. Authority of the Public Works Director.

- 26 (1) In the event that the Wahkiakum County Public Works Director determines  
27 that adjacent County Roads have become impassable to the extent that the  
28 public safety and welfare requires opening of an Alternate Emergency Route,  
then in that event the Public Works Director is authorized to open one or  
29 more Alternate Emergency Routes.

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(2) Following inspection of the proposed Alternate Emergency Route, the Wahkiakum County Public Works Director is authorized to determine whether there should be a Phase I or Phase II Road Use of such Alternate Emergency Route or Routes. The Public Works Director shall post the Alternate Emergency Routes indicating whether the routes are open for Phase I or Phase II Road Use.

(3) The Public Works Director is authorized to issue Alternate Emergency Route Permits to persons needing such Permits for local access use. The Public Works Director is further authorized to condition issuance of such permits on the permittee's prior execution of an Indemnification and Hold Harmless Agreement.

(4) The Public Works Director is authorized to designate a Public Works Staff member or members to exercise his powers hereunder in his absence. The Public Works Director is further authorized to designate the County's Emergency Management Coordinator to issue Alternate Emergency Route Permits.

**Section 3. Rules Relating To Use Of Alternate Emergency Routes.**

Any person driving a motor vehicle on an Alternate Emergency Route within Wahkiakum County, Washington, shall comply with all of the following rules:

- A. The driver shall have in his or her possession a current "Alternate Emergency Route Permit" issued by either the County's Department of Emergency Management or the County's Public Works Department. The driver shall display said Permit upon demand to any law enforcement officer.
- B. The driver shall obey all traffic control signs erected on the Alternate Emergency Route, including but not limited to signs marking the course of the Alternate Emergency Route.
- C. While traveling on an Alternate Emergency Route, the driver shall obey all commands given by law enforcement officers, Wahkiakum County Public Works Department employees, and authorized representatives of the Wahkiakum County Department of Emergency Management.
- D. The driver shall comply with all posted road use restrictions.
- E. The driver shall operate his or her motor vehicle with due care and caution at all times.

**Section 4. Prohibited Acts.**

- (1) It is unlawful for any person to operate a motor vehicle on an Alternate Emergency Route without having in his or her immediate possession a valid Alternate Emergency Route Permit.
- (2) It is unlawful for any person to violate any of the Rules Relating To Alternate Emergency Routes set forth in Section 3 of this Ordinance.
- (3) Any act prohibited by this Section that also constitutes a crime under any other law of the State of Washington may be the basis of prosecution under such other law notwithstanding that it may also be the basis for prosecution under this Ordinance.

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**Section 5. Failure to Leave Alternate Emergency Route.** It is unlawful for any person to fail to immediately leave an Alternate Emergency Route when ordered to do so by a person reasonably identifiable as a law enforcement officer. The person ordered to leave shall take the most direct passable route to the nearest public road or highway.

**Section 6. Violations-Penalties.**

- (1) Except as provided in subsection (2) of this Section, any person violating any of the provisions of Section 4 of this Ordinance is guilty of a Class 1 civil infraction that will be heard and determined by Wahkiakum County District Court in accord with the provisions of Chapter 7.80 of the Revised Code of Washington, as now or hereafter amended. The maximum penalty and the default amount for a Class 1 civil infraction shall be two hundred fifty dollars, not including statutory assessments.
- (2) Any person violating any provision of Section 4 of this Ordinance is guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or to imprisonment in the county jail for not more than ninety (90) days, or to both such fine and imprisonment.

**Section 7. Failure to Pay Monetary Penalties -- Punishment.** Whenever a monetary penalty is imposed by the Court pursuant to this Ordinance and Chapter 7.80 of the Revised Code of Washington, it is immediately payable. Wilful failure to pay the penalty constitutes a misdemeanor. If a penalty is not paid on or before the time established for payment, the Prosecuting Attorney may proceed to collect the penalty in the same manner as other civil judgments.

**Section 8. Enforcement.**

- (1) Any duly appointed county or state law enforcement officer is authorized to enforce this Ordinance.
- (2) For purposes of issuing a notice of civil infraction pursuant to Chapter 7.80 RCW for violations of this Ordinance, the following persons are designated "enforcement officers" and are authorized to enforce the civil provisions of this Ordinance: any duly appointed county or state law enforcement officer.

**Section 9. Classification of Alternate Emergency Routes.** All Alternate Emergency Routes are hereby classified and designated as Primitive Roads for purposes of RCW 36.75.300. The County Public Works Director shall mark the Alternate Emergency Routes with signs indicating that said routes are primitive roads. Any person using any Alternate Emergency Route shall do so at that person's own risk. Any person using any Alternate Emergency Route shall be conclusively presumed to have assumed all risk of damage and/or injury arising from such use.

**Section 10. Severability.** If any section, subsection, clause phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance.

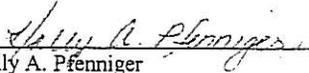
**Section 11. Effective Date.** This Ordinance is necessary for the immediate preservation of the public peace, health, or safety, and it takes effect immediately upon its adoption by the Board of County Commissioners.

Section 12. Codification. This Ordinance shall be codified as Chapter 36.77 of the Revised Code of Wahkiakum County.

DULY PASSED AND ADOPTED in Regular Session following a public hearing thereon, this 17th day of December, 2002.

BOARD OF COUNTY COMMISSIONERS  
OF WAHKIAKUM COUNTY, WASHINGTON

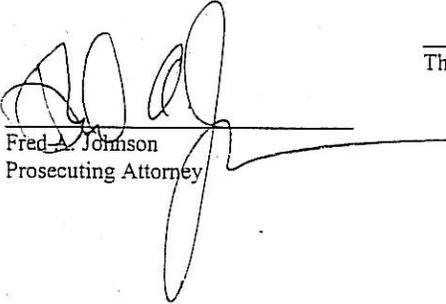
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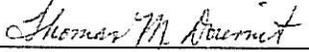
  
Holly A. Pfenniger  
Clerk of the Board

  
George A. Troit, Chairman

  
Daniel L. Cothren, Commissioner

APPROVED AS TO FORM this  
17th day of December, 2002:

  
Fred A. Johnson  
Prosecuting Attorney

  
Thomas M. Doumit, Commissioner