

WAC 468-300-806 No trespass warnings. (1) This chapter shall be enforced so as to emphasize voluntary compliance with all applicable laws, rules, regulations, statutes, and policies, and so that inadvertent and/or minor violations of all applicable laws, rules, regulations, statutes, and policies can be corrected without resort to the issuance of a no trespass warning notice. Therefore, prior to issuing a no trespass warning notice to an individual, an authorized officer may choose, in his or her discretion, to first issue a verbal warning and/or a "warning letter" to an individual who exhibits "unacceptable behavior" which does not rise to the level of criminal conduct and/or does not constitute a safety risk.

(2) An authorized officer may issue a no trespass warning notice, which shall be valid and enforceable for a period of sixty days from the date of its issuance, to any individual when he or she has good cause to issue such a no trespass warning notice, which shall conform to the requirements of subsection (4) of this section. Violation of any term of a no trespass warning notice shall constitute the crime of criminal trespass under chapter 9A.52 RCW.

(3) Should an individual:

(a) Violate the terms of the no trespass warning notice; or

(b) Receive two no trespass warning notices within a one-year period, then the individual shall be issued a third no trespass warning notice by an authorized officer, which shall be valid and enforceable for a period of one year from the date of the issuance of the third no trespass warning notice.

(4) A no trespass warning notice shall:

(a) Be in writing and signed by the individual authorized officer issuing it;

(b) Contain the date of issuance, the violation that the person is alleged to have committed, and a citation to the code, statute, or rule violated;

(c) Specify the places where the individual will be expelled from and the length during the period in which the no trespass warning notice is valid and enforceable;

(d) Set out the method for appealing the notice, which shall also include the address where the appeal should be sent;

(e) Prominently display a warning of the consequences for failure to comply with the notice and state that a violation of the terms of the notice will constitute criminal trespass under chapter 9A.52 RCW.

(5) The person being expelled need not be charged, tried, or convicted of any crime or be issued an infraction or have an infraction found committed in order for a no trespass warning notice to be issued or effective. The authorized officer need only establish that good cause existed to support the issuance of the no trespass warning notice.

[Statutory Authority: RCW 47.56.030 and 47.60.010. WSR 13-16-010, § 468-300-806, filed 7/25/13, effective 8/25/13.]