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MUNICIPAL ORDINANCE - WASHINGTON

State, Dept. of Ecology v. Wahkiakum County

Court of Appeals of Washington, Division 2 - November 4, 2014 - P.3d - 2014 WL 5652318

Department of Ecology brought action against county, seeking injunction and declaratory judgment alleging that county's ordinance banning use of most common class of biosolids within county conflicted with state law and, thus, violated state constitution. The Superior Court granted summary judgment in favor of county. Department appealed.

The Court of Appeals held that:

- County ordinance banning use of biosolids prohibited what state law allowed;
- County ordinance banning use of biosolids thwarted legislative purpose of state law; and
- County ordinance banning use of biosolids exercised power legislature did not confer on local governments.

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