

P.O.C.C.

AN ORDINANCE ESTABLISHING A PROCEDURE FOR
THE CREATION OF FIREARM RESTRICTION AREAS
WITHIN UNINCORPORATED WAHKIAKUM COUNTY;
DEFINING TERMS; ESTABLISHING RULES GOVERNING
FIREARM RESTRICTION AREAS; AND PRESCRIBING
PENALTIES FOR VIOLATIONS

WHEREAS, Section 9.41.300(2) of the Revised Code of Washington specifically authorizes counties to restrict the discharge of firearms in any portion of a county where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized; and

WHEREAS, it is in the interests of the public safety and general welfare of the residents of Wahkiakum County to establish a mechanism for the creation of Firearm Restriction Areas in conformity with the provisions of the State law;

NOW, THEREFORE:

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

Section 1. Purpose. The purpose of this Ordinance is to adopt a procedure for the establishment of areas within unincorporated Wahkiakum County where the discharge of firearms is restricted pursuant to the authority granted to counties under RCW 9.41.300(2)(a) as now enacted or hereafter amended. The Board of County Commissioners may establish such Firearm Restriction Areas upon making a finding, after public hearing, that there is a reasonable likelihood that humans, domestic animals, or property, will be jeopardized by the discharge of firearms within such areas.

Section 2. Procedure for establishment of Firearm Restriction Areas.

(1) The residents of any specifically defined area within unincorporated Wahkiakum County may request the establishment of a "Firearm Restriction Area" by submitting to the Board of County Commissioners a legally executed petition bearing the signatures of over fifty percent of the area's property owners.

(2) The Board of County Commissioners of Wahkiakum County may at its own discretion establish a "Firearm Restriction Area" in the execution of the policies set forth in this Ordinance.

(3) Firearm Restriction Areas shall be established by Ordinance duly adopted by the Board of County Commissioners after notice and hearing as required by RCW 36.32.120(7) as now enacted or hereafter amended.

(4) No Firearm Restriction Area shall be established unless the Board of County Commissioners finds that without such Firearm Restriction Area there exists a reasonable likelihood that humans, domestic animals, or property will be jeopardized.

(5) Upon adoption, every Ordinance establishing a Firearm Restriction Area shall be filed with the Wahkiakum County Auditor's Office and with the Wahkiakum County Sheriff's Office and said Ordinances shall be available for public inspection at those Offices.



Section 3. Definitions. Certain words and phrases used in this Ordinance, unless otherwise clearly indicated by their context, shall have the following meaning:

(1) "Person" means an individual, firm, partnership, corporation, or association.

(2) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder.

Section 4. Rules Governing Firearm Restriction Areas. Unless the Ordinance creating a particular Firearm Restriction Area specifically provides to the contrary, the following rules shall govern Firearm Restriction Areas:

(1) It is unlawful to discharge any firearm within or into a Firearm Restriction Area, EXCEPT under the following conditions and circumstances:

(a) A person owning or renting real property located in a Firearm Restriction Area may discharge on such owned or rented property a handgun, or a rifle of .22 caliber or less, or a shotgun using a birdshot load only.

(b) Any person may discharge a firearm within a Firearm Restriction Area whenever reasonably necessary to exercise the right of self-defense or defense of another person as that right is defined under the Constitution and the laws of the State of Washington.

Section 4. Penalty. Any violation of the provisions of Section 4 of this Ordinance shall be a misdemeanor and shall be punishable by a fine not to exceed \$1,000.00, or by imprisonment in the County Jail for not more than ninety (90) days, or by both such fine and imprisonment.

Section 5. Severability. If any section, subsection, clause, phrase or word in this Ordinance or any provision adopted by reference herein 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 or any provision adopted by reference herein.

Section 6. Effective Date. This Ordinance shall be in full force and effect from and after the date of its adoption by the Board of County Commissioners.

Section 7. Codification. This Ordinance shall be codified as part of Chapter 9.42 of the Revised Code of Wahkiakum County.

DULY PASSED AND ADOPTED in Regular Session following a public hearing thereon, this 13th day of July, 1999.

BOARD OF COUNTY COMMISSIONERS OF WAHKIAKUM COUNTY, WASHINGTON

ATTEST:

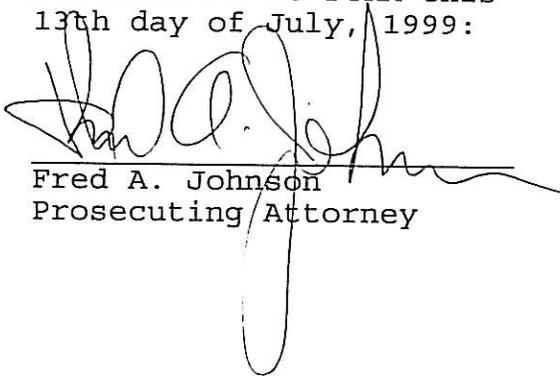


Mary J. Baldwin
Clerk of the Board

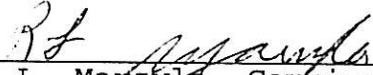


Ronald D. Ozment, Chairman

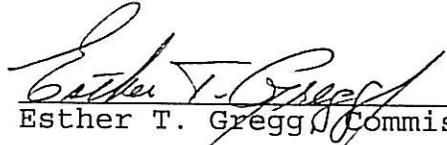
APPROVED AS TO FORM this 13th day of July, 1999:



Fred A. Johnson
Prosecuting Attorney



R.L. Marsyla, Commissioner



Esther T. Gregg, Commissioner