

ORDINANCE NO. 130-99

AN ORDINANCE ESTABLISHING A FIREARM RESTRICTION AREA TO BE KNOWN AS THE ELOCHOMAN VALLEY FIREARM RESTRICTION AREA; DESCRIBING THE BOUNDARIES OF SAID AREA; ESTABLISHING RULES GOVERNING SAID AREA; PRESCRIBING PENALTIES FOR VIOLATIONS; AND ESTABLISHING AN EFFECTIVE DATE

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, Wahkiakum County Ordinance No. 129-99 adopted by the Board of County Commissioners on July 13, 1999, establishes a procedure for the creation of Firearm Restriction Areas within unincorporated Wahkiakum County; and

WHEREAS, at a public hearing held on August 24, 1999, the Board of County Commissioners considered the testimony of citizens, including citizens who reside within the area to be designated as the Elochoman Valley Firearm Restriction Area;

NOW, THEREFORE:

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

Section 1. Finding of Necessity. The Board of County Commissioners of Wahkiakum County does find that without the creation of the Elochoman Valley Firearm Restriction Area as described in Section 2 of this Ordinance, there exists a reasonable likelihood that humans, domestic animals, or property will be jeopardized within the area constituting said Elochoman Valley Firearm Restriction Area.

Section 2. Elochoman Valley Firearm Restriction Area Established. A Firearm Restriction Area, to be known as the Elochoman Valley Firearm Restriction Area, is hereby established in that portion of Wahkiakum County lying within the following described area:

Beginning at the point where the Elochoman River intersects Elochoman Valley County Road (Section 31, Township 9 North, Range 5 West W.M.) which point is commonly referred to as "Kent's Bridge", thence upstream along the center of the Elochoman River continuing through Sections 31, 32, 29, 20, 21, 16, 15, and 10, Township 9 North, Range 5 West of the Willamette Meridian, to the point where Rock Creek intersects with the Elochoman River (the mouth of Rock Creek); thence upstream in a Northerly direction along the center of Rock Creek to the point where Elochoman Valley County

Road crosses and intersects Rock Creek near the section line between Sections 10 and 11, Township 9 North, Range 5 West of the Willamette Meridian; thence Southwesterly along the centerline of Elochoman Valley County Road continuing through Sections 10 and 15, Township 9 North, Range 5 West of the Willamette Meridian to the point in said Section 15 where Elochoman Valley County Road intersects the former railroad grade commonly known as the Old Crown Zellerbach Mainline Road; thence West and South along the centerline of the said Old Crown Zellerbach Mainline Road continuing through Sections 15, 16, 17, 20, 29, 32, and 31, Township 9 North, Range 5 West of the Willamette Meridian to the point where the Old Crown Zellerbach Mainline Road intersects Elochoman Valley Road in said Section 31 (in the vicinity of the old Howe Truss railroad bridge); thence West and South along the centerline of Elochoman Valley County Road continuing through Section 31, Township 9 North, Range 5 West of the Willamette Meridian to the point where the Elochoman River intersects Elochoman Valley County Road in Section 31 at Kent's Bridge, which is the place of beginning; and within an area one thousand feet distant from all boundaries hereinabove described.

Section 3. Discharge of Firearms Prohibited within Elochoman Valley Firearm Restriction Area--Exceptions.

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

(a) A person owning or renting real property located in the Elochoman Valley 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 the Elochoman Valley 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 Washington.

(2) For purposes of this Ordinance, "firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder.

Section 4. Penalty. Any violation of the provisions of Section 3 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.

Section 8. Filing. The Clerk of the Board of County Commissioners shall immediately file copies of this Ordinance with the Wahkiakum County Auditor's Office and with the Wahkiakum County Sheriff's Office in accord with the provisions of Section 2 of Wahkiakum County Ordinance No. 129-99.

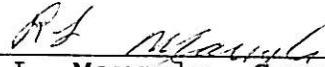
DULY PASSED AND ADOPTED in Regular Session following a public hearing thereon, this 24th day of August, 1999.

BOARD OF COUNTY COMMISSIONERS OF
WAHAKIAKUM COUNTY, WASHINGTON

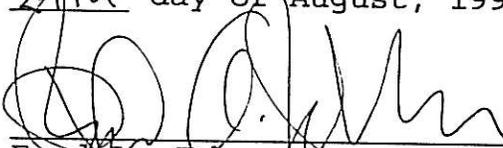
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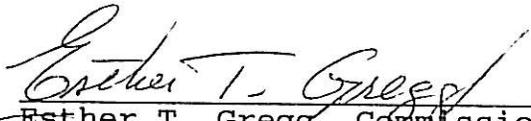

Mary J. Baldwin
Clerk of the Board Auditor


Ronald D. Ozment, Chairman


R.L. Marsyla, Commissioner

APPROVED AS TO FORM this
24th day of August, 1999:


Fred A. Johnson
Prosecuting Attorney


Esther T. Gregg, Commissioner