

ORDINANCE No. 626, 1997

An Ordinance establishing a mechanism for creating No Firearms Discharge Areas and/or Restricted Firearms Discharge Areas in Clallam County. Repeals and replaces the current Chapter 15.16, Firearms.

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS

C.C.C. CHAPTER 15.16

Firearms Discharge Restrictions

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C.C.C. 15.16.010. Definitions. Terms Defined:

- (1) "Firearm" means a device from which a projectile or projectiles may be propelled through a barrel by use of an explosive such as gunpowder. Firearm does not include devices from which a projectile is propelled through a barrel through the use of air or other compressed gas.
- (2) "Muzzleloader" means a primitive firearm loaded through the muzzle.
- (3) "Pistol" means any firearm with a barrel less than twelve inches in length, or that is designed to be held and fired by the use of a single hand.
- (4) "Rifle" means a firearm designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of an explosive to propel a single projectile through the barrel for each single pull of the trigger, not including primitive firearms loaded through the muzzle.
- (5) "Shotgun" means a firearm with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of an explosive to propel a number of projectiles or a single projectile through the barrel for each single pull of the trigger.
- (6) "Bow" means an instrument strung with a string or other material forming a string or line which is designed to launch a projectile.
- (7) "Cross Bow" means the common meaning of a crossbow whether commercially manufactured or produced otherwise.

(8) "Shooting Range" means a facility designed and constructed to allow for the safe discharge of firearms and which includes man made or natural barriers capable of containing the projectiles within its boundaries.

C.C.C. 15.16.020. Prohibited Behavior in No Firearms Discharge Areas.

(1) Unless otherwise defined in the description of a specific No Firearms Discharge Area, it shall be unlawful for any person, while within or shooting into the boundaries of a designated No Firearms Discharge Area to:

- A. Discharge a firearm.
- (2) Nothing in this chapter is meant to exclude the following:
- A. The use of firearms pursuant to RCW 16.08.020 (marauding dogs or predators injuring livestock).
 - B. The use of firearms to lawfully slaughter farm animals.
 - C. The lawful use of force by citizens, or the lawful use of a firearm by a law enforcement officer in the performance of his/her duties.
 - D. The continued operation of legally established private or public gun club facilities or commercial shooting ranges which were established and operating prior to the enactment of the No Firearms Discharge Area or the development of indoor/underground ranges constructed in compliance with zoning and building regulations.
 - E. Discharging of firearms on property of 10 acres or more when a person is on his or her own property or has written permission from the owner, and providing that the discharge of such firearms occurs in an area which contains natural or man made barriers capable of containing the projectile and the trajectory of any projectile is restricted to said property. Providing that the person discharging the firearm must be an adult or under the direct supervision of a responsible adult and the holder of a hunter's safety card.

C.C.C. 15.16.030. Prohibited Behavior in Restricted Firearms Discharge Areas.

(1) It shall be unlawful for any person, while within or shooting into the boundaries of a designated Restricted Firearms Discharge Area to engage in unlawful behavior or acts as defined in the description of the Restricted Firearms Discharge Area contained in Chapter 15.16.080.

- (2) Nothing in this chapter is meant to exclude the following:
- A. The use of firearms pursuant to RCW 16.08.020 (marauding dogs or predators injuring livestock).
 - B. The use of firearms to lawfully slaughter farm animals.
 - C. The lawful use of force by citizens, or the lawful use of a firearm by a law enforcement officer in the performance of his/her duties.
 - D. The operation of legally established private or public gun club facilities or shooting ranges.
 - E. Discharging of firearms for otherwise legal purposes by a person who is on his or her own property or has written permission from the owner, providing that the discharge of such firearms occurs in an area which contains natural or man made barriers capable of containing the projectile and the trajectory of any projectile is restricted to said property, except that the Board of Commissioners may designate a minimum acreage for discharge of firearms as part of the restrictions in any restricted firearms discharge area. Providing that the person discharging the firearm must be an adult or under the direct supervision of a responsible adult and the holder of a hunter's safety card.

C.C.C. 15.16.040. Creation or Deletion of No Firearms Discharge Areas and/or Restricted Firearms Discharge Areas.

(1) The creation, dissolution or modification of the boundaries of an existing discharge area may be initiated by petition or by board proposal. Petitions requesting the Clallam County Commissioners to create a No Firearms Discharge Area or Restricted Firearms Discharge Area or to dissolve an existing area or modify the boundaries of an existing area shall be filed with the Clerk of the Clallam County Commissioners. Petitions shall contain the signatures of at least fifty (50) percent plus one (1) of the owners of real property in the area under consideration. Verification of signatures shall be accomplished by the Auditor.

(2) Petitions submitted to the Board of Clallam County Commissioners shall contain, at a minimum, the following information:

- A. The description of the property to be designated or undesignated and a sketch of the proposed boundaries. The description shall include a map which depicts parcels and parcel sizes within the proposed boundaries.
- B. The name, address, telephone number, and tax parcel number of the primary sponsor of the proposal.
- C. The name, address, and tax parcel number of each property owner signing the petition, and each owner of property within the proposal.
- D. The type or types of firearms which the petition seeks to have restricted from use, modified for use or unrestricted from use.
- E. If the petition is for establishment or alteration of a Restricted Firearms Discharge Area, the specific restrictions and acts or omissions to be designated as unlawful or restrictions, acts or omissions to be altered.

(3) At the first regular meeting following verification of the petition or upon proposal by the Board of Clallam County Commissioners, the Board of Clallam County Commissioners shall call for a public hearing on the proposal. Notice of public hearing shall be given by publication of a notice in a newspaper of general circulation in the County at least once, not less than ten (10) days prior to the date set for the hearing.

(4) After the public hearing is closed, the Board of Clallam County Commissioners shall establish the proposed No Firearms Discharge Area or Restricted Firearms Discharge Area if it determines the proposal meets the following criteria:

- A. The proposed No Firearms Discharge Area or Restricted Firearms Discharge Area is a minimum of twenty (20) acres in area and contains at least twenty (20) legal lots of record, as defined by the Clallam County Zoning Code, Title 33 Clallam County Code.
- B. The population density of the proposed No Firearms Discharge Area or Restricted Firearms Discharge Area is such that discharging firearms will significantly increase danger to the safety of the general public and other property owners within the area.
- C. The average size of lots within the proposed No Firearms Discharge Area or Restricted Firearms Discharge Area is such that discharging firearms will significantly increase danger to the safety of the general public and other property owners within the area and that the majority of parcels within the boundaries are five acres or less in size.

(5) At the conclusion of the hearing the Board may:

- A. Approve or disapprove the creation of the No Firearms Discharge Area or Restricted Firearms Discharge Area.
- B. Adjust the boundaries of the proposed area.
- C. Modify the restrictions within the proposed area.

(6) For all Restricted Firearms Discharge Areas and/or No Firearms Discharge Areas created on or after the effective date of this chapter, the primary sponsor shall cause to be posted and maintained at or near the boundary along all roadways used by the public for ingress and egress an appropriately sized sign which contains the language indicated below. Owners of property on the perimeter of a designated area may post their section of the boundary, at their option, with like signs. The signs shall read:

A. "Restricted Firearms Area" (or)

B. "No Firearms Discharge Area".

"The use of firearms within this area is limited pursuant to Clallam County Code Chapter 15.16. Contact the Sheriff's Office for additional information. It is unlawful to deface or remove this sign."

It shall be unlawful for any person(s) to deface or remove any sign placed pursuant to this chapter. All provisions of this ordinance shall be enforceable regardless of the presence or absence of signs.

C.C.C. 15.16.050. Violations - Misdemeanor - Penalty - Arrest.

- (1) Any person who violates the provisions of this chapter is guilty of a misdemeanor.
- (2) Penalties - Criminal - Misdemeanor. The first offense for violation of this chapter shall be punishable by a penalty of up to \$250.00. The second offense for violation of this chapter shall be punishable by a penalty of up to \$500.00. The third offense for violation of this chapter is punishable by a penalty of up to \$1,000.00 and/or imprisonment not to exceed ninety (90) days.
- (3) Any peace officer, as defined by RCW 9A04.110(15), having information to support a reasonable belief that a person has committed a violation of this chapter has the authority to cite the person.

C.C.C. 15.16.060. Firearms Discharge Restrictions In Unincorporated Clallam County Including Areas Which Are Not Designated A No Firearms Discharge Zone.

In all areas of Clallam County it is unlawful to discharge a weapon within three hundred (300) feet of any building normally occupied by people or domestic animals or any building used for storage of flammable or combustible materials; provided, that the above-referenced distance shall not be less than two hundred (200) feet when the weapon being discharged is a shotgun, except that this restriction shall not apply to a person who is on his or her own property or has written permission from the owner, providing the building is on that property and under the same ownership, and the discharge of such firearms and the trajectory of any projectile is restricted to said property.

C.C.C. 15.16.070. No Firearms Discharge Areas Defined. A No Firearms Discharge area(s) is established, comprising the area(s) described and incorporated herein as Addendum A.

C.C.C. 15.16.080. Restricted Firearms Discharge Areas Defined. A Restricted Firearms Discharge area(s) is established, comprising the area(s) described and incorporated herein as Addendum B, and within the boundaries of which, in addition to the restrictions contained in Chapter 15.16.060, the specifically described Firearms discharge restrictions shall apply.

C.C.C. 15.16.090. Statutory References for General Information. The provisions of RCW 9A.48.070, RCW 9A.48.080, RCW 9A.48.090, RCW 9.41.23, RCW 9.41.240, RCW 9.41.260, RCW 9.41.270, RCW 77.12.315, RCW 77.16.260, WAC 232-12-047 to 051, and WAC 232-12-244 to 247 as amended, all of which regulate the discharge of Firearms, are referenced for general information purposes.

C.C.C. 15.16.100. Severability. Should any section, subsection, paragraph, sentence, clause or phrase of any of the sections of Chapter C.C.C. 15 be declared unconstitutional or invalid for any reasons, such decision shall not affect the validity of the remaining portions of the chapter.

C.C.C. 15.16.110. Repealer. Ordinances No. 20, 1967, No. 23, 1967, No. 24, 1967, No. 47, 1973, No. 140, 1981 and any former ordinances or amendments or portion thereof conflicting or inconsistent with the provisions of this chapter are hereby repealed. PROVIDED, that prosecution for any violation of these ordinances occurring prior to the effective date of this chapter provision shall not be affected or abated.

C.C.C. 15.16.120. Effective Date. This chapter will take effect ten (10) days after adoption.

ADOPTED this 16th day of September, 1997.

BOARD OF CLALLAM COUNTY COMMISSIONERS

Martha M. Ireland
Martha M. Ireland, Chair

Carole Y. Boardman
Carole Y. Boardman

Phillip Kitchel
Phillip Kitchel

ATTEST:

Karen Flores
Karen Flores
Clerk of the Board

ADDENDUM A

**NO DISCHARGE AREA 1
(Bell Hill, Happy Valley)**

That area within Clallam County bounded on the north by the City of Sequim; on the east by Palo Alto Road south from Highway 101 to the South Section Line of Section 33, Township 30 North, Range 3 W.W.M.; west along the South Section Line of Section 33 to Johnson Creek; south along Johnson Creek to the East-west mid-line of Section 4 of Township 29 North; west to the East Section Line of Section 5, north for one-half (1/2) mile to Happy Valley Road; west one (1) mile along the South Section Line of Section 31, Township 30 North.; north along the West Section Line of Section 31 to Happy Valley Road, west along Happy Valley Road to River Road, and north along River Road to Sequim City Limits. This area includes portions of Sections 20, 27, 28, 29, 30, 34, and 36, and all of sections 31, 32, and 33 of Township 30 North, Range 3 W.W.M., and a portion of the north half of Section 4 and all of the north half of Section 5, Township 29 North, Range 3 W.W.M., as depicted on the attached map.

Additional Restricted Activity: Use a bow, crossbow, or similar device to launch a projectile(s).

ADDENDUM B

RESTRICTED SHOOTING AREA 1 (North of 101)

The area north of Highway 101, and bounded on the west by the Elwha River, on the south by Highway 101, on the east by the east county line, and, on the north by the Strait of Juan de Fuca.

Restricted Activity: It is unlawful to discharge, fire or shoot rifles, pistols or firearms of any type whatsoever, except for the use of shotguns, for hunting purposes with either shot or ball.

RESTRICTED SHOOTING AREA 2 (Elwha River Mouth)

Lands in Township 31 North Range 7 West, Willamette Meridian, immediately to the east of the mouth of the Elwha River that are zoned R1 and/or RCC5, in Sections 27, 28, the north-east quarter of 33 and the north-west quarter of 34, and bordered on the east by the Elwha River and on the north by the Strait of Juan de Fuca, as depicted on the attached map.

Restricted Activity: It is unlawful to discharge, fire or shoot rifles, pistols or firearms of any type whatsoever, except for the use of shotguns, for hunting purposes with either shot or ball.

RESTRICTED SHOOTING AREA 2
(Elwha River Mouth)

RESTRICTED SHOOTING AREA 1
(North of Hwy 101)

NO DISCHARGE AREA 1
(Bell Hill, Happy Valley)

Olympic National Park

Strait of Juan de Fuca

Clallam County
Jefferson County



