

6010
11/02/04

Ordinance 764

Amending Clallam County Code, Chapter 15.16 – Firearms Discharge Restrictions

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Chapter 15.16

FIREARMS DISCHARGE RESTRICTIONS

Sections:

- 15.16.010 Definitions.
- 15.16.020 Prohibited behavior in No Firearms Discharge Areas.
- 15.16.030 Prohibited behavior in Restricted Firearms Discharge Areas.
- 15.16.040 Creation or deletion of No Firearms Discharge Areas and/or Restricted Firearms Discharge Areas.
- 15.16.045 Property owner and shooter liable for injury to persons and/or damage to property.
- 15.16.050 Violations – Misdemeanor – Penalty – Arrest.
- 15.16.060 Firearms discharge restrictions in unincorporated Clallam County including areas which are not designated a No Firearms Discharge Zone.
- 15.16.070 No Firearms Discharge Areas defined.
- 15.16.080 Restricted Firearms Discharge Areas defined.
- 15.16.090 Statutory references for general information.
- 15.16.100 Severability.
- 15.16.110 Repealer.
- 15.16.120 Effective date.

SOURCE:	ADOPTED:
Ord. No. 626, 1997	09/16/97

15.16.010 Definitions.

- (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~~ (12) 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) "Crossbow" 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 manmade or natural barriers capable of containing the projectiles within its boundaries.

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 except as specifically authorized and defined in the description of the particular No Firearms Discharge Area contained in CCC 15.16.070 and Addendum A.

(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) The discharge of firearms on property of 10 acres or more when it is established by the property owner at the time of creation of the No Firearms Discharge Zone, that the property has in place, natural or manmade ground contours, berms, steel plate with sand trap, fiber containment device, or other containment device designed to reasonably ensure that any projectile fired from firearms types proposed by the owner is contained within the property boundaries, and, the property is being actively used for target practice and/or sighting in of weapons. Unsuitable backstops include but are not limited to trees, stumps, vehicle hulks, stone or gravel piles. Discharge of firearms on such property shall be subject to the following conditions:

(i) Only the landowner and/or individuals with the landowner's written permission may discharge firearms. Safety of shooters and containment of projectiles is the responsibility of the property owner and/or shooter.

(ii) Individuals discharging firearms must be adults or under the direct supervisions of a responsible adult.

(iii) Any discharge of firearms will be conducted between 9 a.m. and dusk and shall be for the purposes of target practice or sighting of such weapons, not for firing at or hunting of animals.

~~—(e) Discharging of firearms on property of ten (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 manmade 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.~~

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 CCC 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 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) The discharge of firearms on property of 10 acres or more when it is established by the property owner at the time of creation of the Restricted Firearms Discharge Zone, that the property has in place, natural or manmade ground contours, berms, steel plate with sand trap, fiber containment device, or other containment device designed to reasonably ensure that any projectile fired from firearms types proposed by the owner is contained within the property boundaries, and, the property is being actively used for target practice and/or sighting in of weapons. Unsuitable backstops include but are not limited to trees, stumps, vehicle hulks, stone or gravel piles. Discharge of firearms on such property shall be subject to the following conditions:

(i) Only the landowner and/or individuals with the landowner's written permission may discharge firearms. Safety of shooters and containment of projectiles is the responsibility of the property owner and/or shooter.

(ii) Individuals discharging firearms must be adults or under the direct supervisions of a responsible adult.

(iii) Any discharge of firearms will be conducted between 9a.m. and dusk and shall be for the purposes of target practice or sighting of such weapons, not for firing at, or hunting of animals.

(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; provided, that the discharge of such firearms occurs in an area which contains natural or manmade 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; provided, 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.

15.16.040 Creation, modification, 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 or restrictions within an existing 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 ~~ffty~~ (50) percent plus one of the owners of real property in the area under consideration. In the case of a request to modify the boundaries of an existing area, signatures shall only be required from within the area to be added or deleted. 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. Parcels within the proposed boundary shall be contiguous.

(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~~ that 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.

(f) If the petition proposes that shooting (exemption) be allowed on parcels larger than a minimum designated size, the petition shall include the recommended minimum parcel size and the types of firearms for which discharge will be allowed. Any such exemptions shall be made with the following conditions:

(i) Only the landowner and/or individuals with the landowner's written permission may discharge firearms. Safety of shooters and containment of projectiles is the responsibility of the property owner and/or shooter.

(ii) Individuals discharging firearms must be adults or under the direct supervisions of a responsible adult.

(iii) Any discharge of firearms will be conducted between 9 a.m. and dusk and shall be for the purposes of target practice or sighting of such weapons, not for firing at or hunting of animals.

(iv) Any exempted property must have natural or manmade ground contours, berms, steel plate with sand trap, fiber containment device, or other containment device designed to reasonably ensure that any projectile fired is contained with the property boundaries. Unsuitable backstops include but are not limited to trees, stumps, vehicle hulks, stone or gravel piles.

(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) At the public hearing proponents and opponents of the proposal or those who desire to modify either boundaries or restrictions in the proposal shall be given the opportunity to provide testimony. In addition, property owners claiming exemption under CCC 15.16.020(2)(d) or (e) or 15.16.030(2)(d) or (e) shall provide testimony or other documentation in support of their claim.

(~~5~~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 CCC Title 33, Zoning.

(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 proposed area is zoned for 5 acres or less parcel size or 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~~ is five (5) acres or less in size.

~~(65)~~ 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.;

(d) Recognize and establish properties qualifying for exemption under CCC 15.16.020(2)(d) or (e) or 15.16.030(2)(d) or (e), above;

(e) Establish exemptions under CCC 15.16.040(2)(f), above.

~~(76)~~ For all Restricted Firearms Discharge Areas and/or No Firearms Discharge Areas created on or after the effective date of the ordinance codified in 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:

Restricted Firearms Area (or)

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.

15.16.045 Property owner and shooter liable for injury and/or damage to property

Property owners are responsible to ensure that projectile containment devices and/or natural contours or berms are sufficient to contain projectiles fired on their property. Damage or injury caused by inadequate backstops or containment devices is the responsibility of the property owner.

Shooters are responsible to have knowledge of and practice proper safety protocols. Damage or injury caused by failure to follow safety procedures is the responsibility of the shooter.

By establishing an exemptions under CCC 15.16.020(2)(d) or (e); CCC 15.16.030(2)(d) or (e); or CCC 15.16.040(2)(f) the County does not certify the sufficiency of projectile containment

features or devices on the property or safety practices and assumes no liability for injury to persons or damage to property resulting from shooting.

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. The second offense for violation of this chapter shall be punishable by a penalty of up to \$500. The third offense for violation of this chapter is punishable by a penalty of up to \$1,000 and/or imprisonment not to exceed ~~ninety~~(90) days.

(3) Any peace officer, as defined by RCW 9A.04.110(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.

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 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 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.

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.

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 CCC 15.16.060, the specifically described firearms discharge restrictions shall apply.

15.16.090 Statutory references for general information.

The provisions of RCW 9A.48.070, 9A.48.080, 9A.48.090, 9.41.230, 9.41.240, 9.41.260, 9.41.270, 77.12.315, 77.16.260, WAC 232-12-047 to 232-12-051, and WAC 232-12-244 to 232-12-247 as amended, all of which regulate the discharge of firearms, are referenced for general information purposes.

15.16.100 Severability.

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

15.16.110 Repealer.

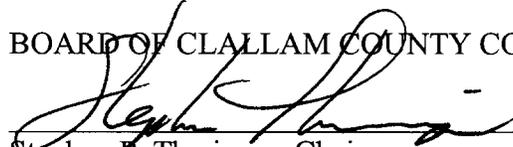
Ordinances No. 20, 1967; No. 23, 1967; No. 24, 1967; No. 47, 1973; No. 140, 1981; and any former ordinances or amendments or portion thereof conflicting or inconsistent with the provisions of this chapter are hereby repealed; provided, that prosecution for any violation of these ordinances occurring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

15.16.120 Effective date.

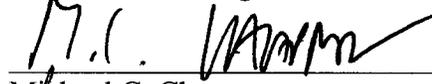
This chapter will take effect ten (10) days after adoption.

ADOPTED this second day of November 2004

BOARD OF CLALLAM COUNTY COMMISSIONERS



Stephen P. Tharinger, Chair

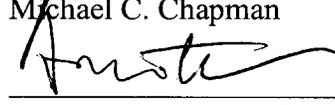


Michael C. Chapman

ATTEST:



Trish Perrott, CMC, Clerk of the Board



Howard V. Doherty, Jr.

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).

NO DISCHARGE AREA 2 (Sunland)

Sunland and surrounding area contained within Clallam County Range 3, Township 30, Section 8, as depicted on the attached map. The boundaries are also approximately described as bounded on the west by Sequim-Dungeness Way, from its intersection with Woodcock Road, south to Medsker Road, then east along Medsker Road to Harriette Lane, then east along Harriett Lane to its end, then continuing east to the southeast corner of Clallam County Range 3, Township 30, Section 8, then north along the east line of Clallam County Range 3, Township 30, Section 8 to its intersection with Holland Road, then north along Holland Road to Woodcock Road, then west along Woodcock Road to its intersection with Sequim-Dungeness Way.

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

ADDENDUM B

RESTRICTED SHOOTING AREA 1 (North of 101)

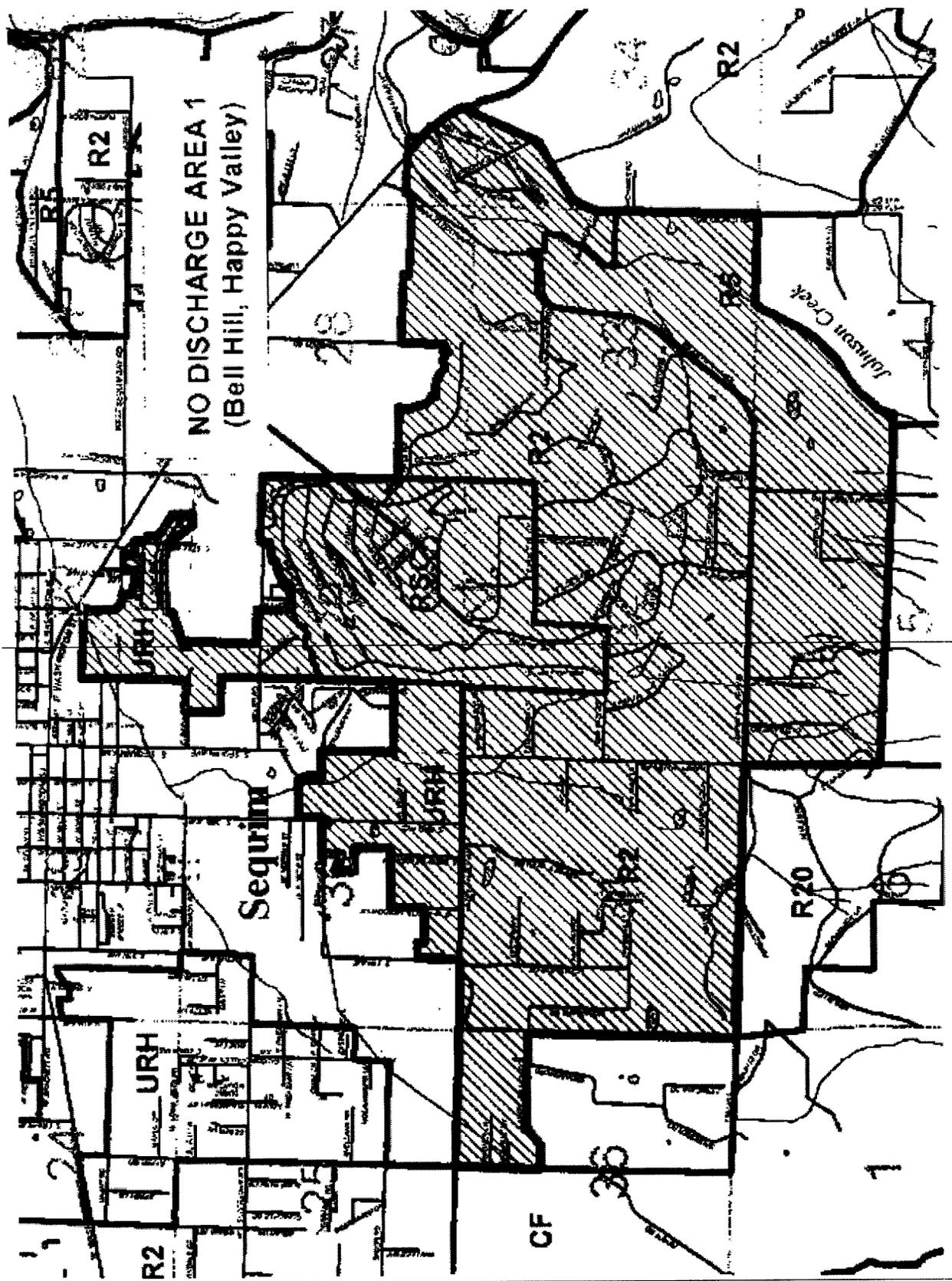
The area north of Highway 101, and bounded on the west by the Elwha River, on the south by Highway 101, on the east by the east county line, and on the north by the Strait of Juan de Fuca.

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.



NO DISCHARGE AREA 1
(Bell Hill, Happy Valley)

Sequim

Johnson Creek

URH

R2

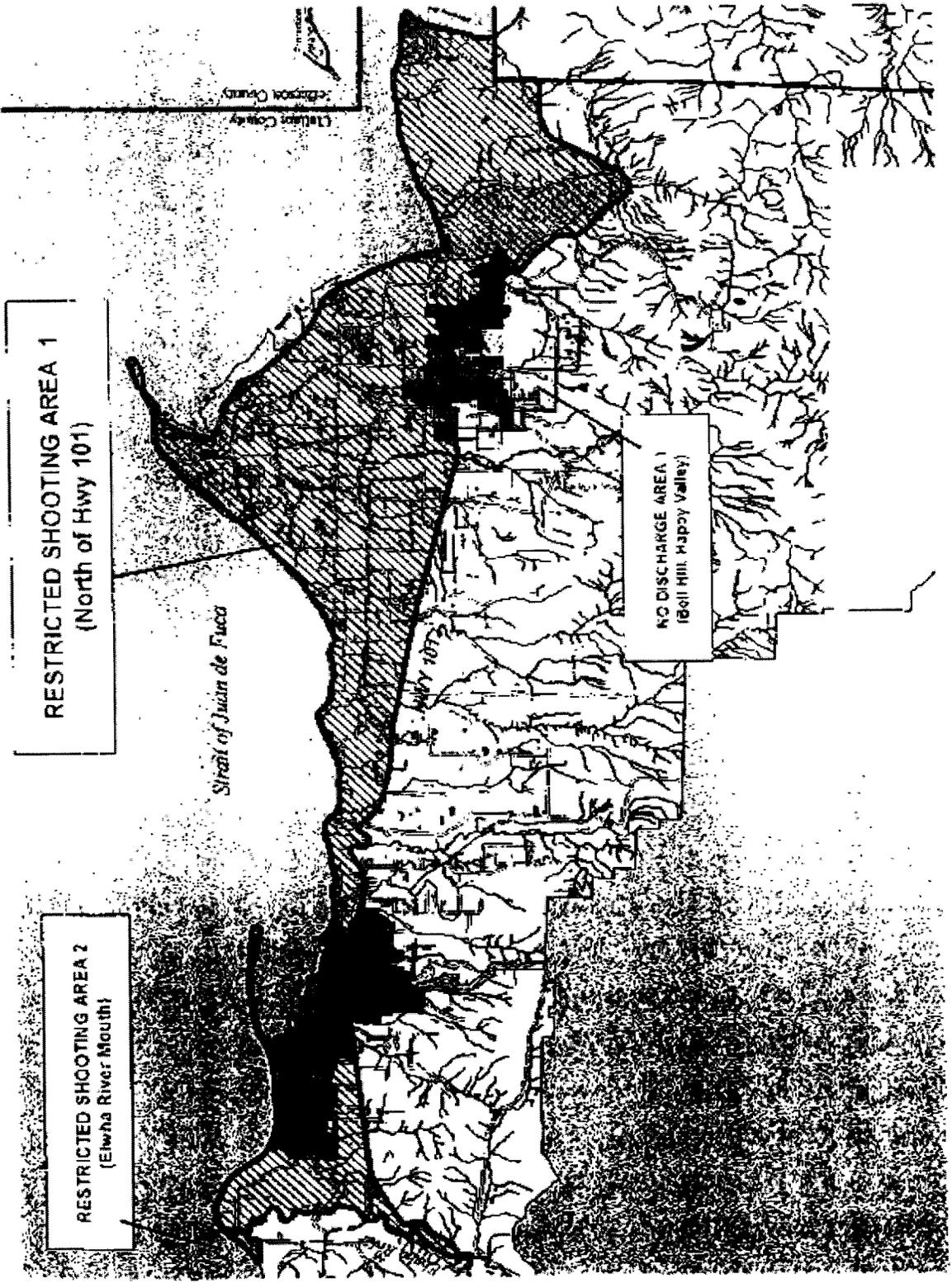
R2

R5

R2

R70

CF



RESTRICTED SHOOTING AREA 1
(North of Hwy 101)

RESTRICTED SHOOTING AREA 2
(Elwha River Mouth)

NO DISCHARGE AREA 1
(Bell Hill, Huppy Valley)

Strait of Juan de Fuca

Hwy 101

U.S. Coast and Geodetic Survey