

ORDINANCE NO. _____

AN ORDINANCE adding new sections to chapter 10.04 of the Thurston County Code to regulate the discharge of firearms in areas of high density development, to provide exceptions to this prohibition where it conflicts with state and federal law, and to provide an exemption process by which properties may be removed from this prohibition if the discharge of firearms on those properties creates no reasonable likelihood of endangerment to humans, domestic animals or property.

WHEREAS, the discharge of firearms in zoning districts that allow for residential densities greater than one dwelling unit per two acres poses a reasonable likelihood of endangerment to people, domestic animals, and property due to the high density of residential structures; and

WHEREAS, waterfowl hunting utilizing shotguns with a firing range of approximately 300 yards occurs from watercraft in the marine waters along the shorelines of Thurston County and the discharge of firearms closer than 300 yards creates a reasonable likelihood of endangerment to people, domestic animals, and property on the shoreline; and

WHEREAS, Article I, section 24 of the state Constitution guarantees the right of the individual to bear arms in defense of self or others; and

WHEREAS, peace officers, properly trained in the safe use of firearms, use firearms in the course of their official duties; and

WHEREAS, agriculture, including raising of domestic animals for slaughter, is a permitted use throughout much of the county and the slaughter of domestic animals on farms utilizing firearms is a common agricultural practice; and

WHEREAS, shooting ranges exist or may exist, that have been developed and approved with provisions for the safe discharge of firearms in a controlled environment; and

WHEREAS, hunters of wild animals may wound an animal that then retreats to a no shooting area and such hunters are bound by hunting ethics and State law to not waste wildlife and therefore must pursue wounded game animals; and

WHEREAS, certain ordinances adopted in the past by Thurston County prohibit the discharge of firearms and do not include exceptions for self defense, peace officers, slaughter of domestic animals, legally existing shooting ranges, or the dispatching of wounded animals; and

WHEREAS, the discharge of firearms on certain properties within a no shooting zone may not pose a threat to humans, domestic animals or property due to lot size, configuration and/or location and ordinances adopted in the past by Thurston County prohibit the discharge of firearms and do not include a process for property owners seeking an exemption from the ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THURSTON COUNTY as follows:

Section 1. There is added a new section to chapter 10.04 Thurston County Code, to read as follows:

New Section. Section 1 Urban Growth Areas, LAMIRD Zones, Marine Waterways.

It shall be unlawful for any person to discharge a firearm at any time in Thurston County, State of Washington, in the following described areas of the County:

All those areas outside city limits that lie within the adopted Thurston County Urban Growth Areas for Lacey, Olympia, Tumwater, and Grand Mound; and

All those areas zoned Residential LAMIRD One Dwelling Unit Per Acre; and

All those areas zoned Residential LAMIRD Two Dwelling Units Per Acre; and

All that portion of land and marine waters of Puget Sound lying 300 yards, waterward, from the ordinary high water line; except for that portion of Sections 5 and 6 of Township 18 North, Range 1 East lying north of Interstate 5, Sections 31 and 32 of Township 19 North, Range 1 East, and the South Half of the Southeast Quarter of Section 30, Township 19 North, Range 1 East; and

All that portion of Eld Inlet lying southerly of an east-west line described as beginning at a point lying 300 feet Northerly of the intersection of the Meander Line with the East Line of Section 31, Township 19, North Range 2 West, thence due Westerly across Eld Inlet to the Western Shoreline; and

All that portion of Henderson Inlet lying Southerly of the North line of Sections 17 and 18, Township 19 North, Range 1 West;

Excepted from the above described areas are those lands and waterways already within the boundaries of an adopted No Shooting or Controlled Shooting zone, contained in chapter 10.04 of the Thurston County Code, in effect on the date of adoption of this ordinance.

Section 2. There is added a new section to chapter 10.04 Thurston County Code to read as follows:

New Section. Section 2 – Exceptions.

The provisions of chapter 10.04 shall not apply to the discharge of firearms:

- (1) By a person acting in self-defense;
- (2) By peace officers in the course of their official duties;
- (3) In the course of farm slaughter activities;

- (4) Within a legally existing or approved shooting range;
- (5) By a person protecting livestock, pets, and/or property, in compliance with applicable State law;
- (6) By a person retrieving and dispatching wounded game animals.

Section 3. There is added a new section to chapter 10.04 Thurston County Code, to read as follows:

New Section. Section 3- Exemption – Application – Fee

Application for exemption from the prohibition on discharging firearms shall be considered for properties two acres or larger. The application shall be submitted in writing and filed with the Thurston County Resource Stewardship Department. The application shall be accompanied with a receipt showing payment to this department. The fee shall be adopted on an annual basis as part of the department's regular permit fee schedule. The application shall include:

- A. A completed Master Application, available from the department, including the name address and signature of the property owner.
- B. A narrative describing the type of activity proposed (hunting, target practice, etc.), type of firearms to be used, who is involved, number of people participating at any one time, and time and duration of the activity. The narrative shall include a summary outlining the safety precautions the applicant will employ in order to ensure that the discharge of a firearm on their property will not endanger humans, domestic animals and the property of others.
- C. A detailed and accurate map of the property at a scale of not less than two hundred feet to the inch (using a standard interval of engineer scale), which shall include or show:
 - 1. The boundaries, including dimensions, of the property proposed to be exempted;
 - 2. The type, location and height of all existing structures, including, but not limited to, buildings, fences, bridges, and storage tanks on the property proposed to be exempted;
 - 3. A detail of areas proposed for firearm discharge on the property proposed to be exempted, including the direction of shooting, distances downrange, and what land uses lie beyond and to the sides of the shooting area;
 - 4. The topography of the property proposed to be exempted;
 - 5. The type and location of all structures within 300-feet of the property boundaries of the property proposed to be exempted; and
 - 6. A north arrow, map scale, date, site address and directions to the site.

Section 4. There is added a new section to chapter 10.04 Thurston County Code, to read as follows:

New Section. Section 4. Hearing Examiner Action

The Hearing Examiner shall consider the proposed exemption from the prohibition on the discharge of firearms at a public hearing. If the hearing examiner finds the discharge of firearms on the subject property will not pose a reasonable likelihood of endangerment to people, domestic animals, or property the requested exemption will be granted. Such findings shall be issued by the Hearing Examiner in writing subject to the standard appeal process.

Section 5. There is added a new section to chapter 10.04 Thurston County Code, to read as follows:

Section5—Severability Clause. If any term or provision of this ordinance or its application to any person or circumstance is held to be invalid or unenforceable, the remaining terms and provisions of this ordinance, and the application of the provision to other persons or circumstances shall not be affected thereby, but each remaining term and provision shall be valid and enforceable to the fullest extent permitted by law.

Section6—Effective Date. This ordinance shall take effect upon its adoption.

ADOPTED: _____

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

JON TUNHEIM
PROSECUTING ATTORNEY

By: _____
Elizabeth Petrich, WSBA#
Deputy Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
Thurston County, Washington

Chair

Vice-Chair

Commissioner

CODIFY

Any area subject to a No Shooting Ordinance must comply with the allowances for establishment of such ordinance as provided in RCW 9.41.300. The State statute allows Counties to restrict the discharge of firearms where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized.

Prior to scheduling a public hearing for this proposed ordinance, the draft ordinance must be reviewed for form by the Prosecuting Attorney's Office.