



# Whatcom County

COUNTY COURTHOUSE  
311 Grand Avenue, Ste #105  
Bellingham, WA 98225-4038  
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## Agenda Bill Master Report

File Number: AB2021-185

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<b>File ID:</b>	AB2021-185	<b>Version:</b>	1	<b>Status:</b>	Adopted
<b>File Created:</b>	03/16/2021	<b>Entered by:</b>	DBrown@co.whatcom.wa.us		
<b>Department:</b>	Council Office	<b>File Type:</b>	Ordinance Requiring a Public Hearing		
<b>Assigned to:</b>	Council			<b>Final Action:</b>	10/12/2021
<b>Agenda Date:</b>	10/12/2021			<b>Enactment #:</b>	ORD 2021-061

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Primary Contact Email: DBrown@co.whatcom.wa.us

### **TITLE FOR AGENDA ITEM:**

Ordinance amending Whatcom County Code 9.32, Unlawful Discharge of Firearms, to establish a no shooting zone in the Drayton Harbor area of Whatcom County

### **SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:**

ORIGINAL PROPOSED BOUNDARIES: At the request of the City of Blaine, this ordinance would establish a no shooting zone in the Drayton Harbor area of Whatcom County. The boundaries of the proposed zone are as follows: That portion of Sections 7 and 18, Township 40 North, Range 1 East and Sections 1, 2, 11, 12, and 13, Township 40 North, Range 1 West, W.M., Whatcom County, Washington described as follows: Beginning along Drayton Harbor Road (Co. Rd. No. 37) at the intersection of the ordinary high water mark of Drayton Harbor with the limits of the city of Blaine, Whatcom County, Washington; thence easterly along said ordinary high water mark to the intersection with the northerly face of an existing bridge over California Creek; thence easterly along said northerly bridge face to the intersection with said ordinary high water mark; thence northerly along said ordinary high water mark to the intersection with said city limits; thence along said city limits westerly, northerly and southerly to the point of beginning.

### REVISED PROPOSED BOUNDARIES FOR JUNE 15, 2021, INTRODUCTION:

Unincorporated Whatcom County all within Drayton Harbor, Blaine Washington, described as follows: Those portions of said harbor within 1,000 feet waterward of the high tide mark of the shoreline of said harbor or the limits of the city of Blaine, Whatcom County, Washington whichever is greater distance from said high tide mark.

**HISTORY OF LEGISLATIVE FILE**

<b>Date:</b>	<b>Acting Body:</b>	<b>Action:</b>	<b>Sent To:</b>
05/04/2021	Council	INTRODUCED FOR PUBLIC HEARING Aye: 4 Browne, Buchanan, Donovan, and Frazey Nay: 2 Elenbaas, and Kershner Absent: 1 Byrd	Council
05/18/2021	Council	HEARD PUBLIC TESTIMONY AND HELD IN COUNCIL Aye: 5 Browne, Buchanan, Byrd, Elenbaas, and Kershner Nay: 2 Donovan, and Frazey Absent: 0	Council Committee of the Whole
06/01/2021	Council Committee of the Whole	DISCUSSED AND MOTION(S) APPROVED Aye: 6 Browne, Buchanan, Byrd, Donovan, Elenbaas, and Kershner Nay: 1 Frazey Absent: 0	
06/01/2021	Council	REFERRED TO COMMITTEE Aye: 6 Browne, Buchanan, Byrd, Donovan, Elenbaas, and Frazey Nay: 0 Absent: 1 Kershner	Council Committee of the Whole
06/15/2021	Council Committee of the Whole	DISCUSSED AND MOTION(S) APPROVED	
06/15/2021	Council	REFERRED TO COMMITTEE Aye: 7 Browne, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Kershner Nay: 0 Absent: 0	Council Committee of the Whole
07/27/2021	Council Committee of the Whole	DISCUSSED	
07/27/2021	Council	WITHDRAWN	
09/14/2021	Council Committee of the Whole	DISCUSSED AND MOTION(S) APPROVED	
09/28/2021	Council	INTRODUCED FOR PUBLIC HEARING Aye: 7 Browne, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Kershner Nay: 0 Absent: 0	Council
10/12/2021	Council	ADOPTED Aye: 4 Browne, Byrd, Elenbaas, and Kershner	

Nay: 3 Buchanan, Donovan, and Frazey  
Absent: 0

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**Attachments:** Proposed Ordinance for June 15 Introduction, Letter from Mayor of Blaine 4.14.2021, Drayton NSZ Department Comments, WDFW Drayton Harbor, Link to Drayton Harbor - Dearborn Public Comments, Letter from Lummi Indian Business Council

**ORDINANCE NO. 2021-061**

**AMENDING WHATCOM COUNTY CODE 9.32, UNLAWFUL DISCHARGE OF FIREARMS, TO ESTABLISH A NO SHOOTING ZONE IN THE DRAYTON HARBOR AREA OF WHATCOM COUNTY**

**WHEREAS**, pursuant to Whatcom County Code 9.32.050 the County Council may, upon its own initiative, pass a resolution declaring its intent to form a no shooting zone; and

**WHEREAS**, on July 23, 2019, the Council approved Resolution 2019-035, declaring its intent to conduct a public hearing to consider creating a no shooting zone in the Drayton Harbor area of Whatcom County, as proposed by the City of Blaine; and

**WHEREAS**, our local Native American tribal members have a limited number of sources to hunt wildlife they have used as an integral part of their cultural traditions since time immemorial; and

**WHEREAS**, previous laws restricting Non-Native Americans from hunting and fishing in areas where Native Americans have retained their rights under the 1855 Treaty of Point Elliot have resulted in tribal members becoming the target of protests, discrimination and in some cases violence; and

**WHEREAS**, where possible Whatcom County seeks to harmonize County laws with Tribal treaty rights so as to reduce the potential for misunderstandings, conflict and discrimination; and

**WHEREAS**, the Lummi restrict tribal members from using firearms within 1,000 feet of an occupied house; and

**WHEREAS**, pursuant to Whatcom County Code 9.32.020 and RCW 36.32.120 the County Council has the authority and power to establish no shooting zones; and

**WHEREAS**, a "no shooting zone" is an area designated by the County Council in which the discharge of firearms is prohibited; and

**WHEREAS**, RCW 9.41.300 (2) specifically states that counties may enact laws and ordinances restricting the discharge of firearms in any portion of their respective jurisdiction where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized; and

**WHEREAS**, according to the proposal submitted by the City of Blaine (see City of Blaine Resolution No.1765-19, attached as Exhibit A to this ordinance):

- It is difficult for members of the public to distinguish between incorporated and unincorporated areas, particularly on open water, which causes numerous hunters to inadvertently move into areas where hunting and discharge of firearms is illegal;
- Citizens have expressed concerns about gunfire near homes and property and repeatedly call for police response to such incidents;
- Unincorporated portions of Drayton Harbor aquatic area, tidelands, and shoreline are within and adjacent to urban growth areas;
- Population is expanding and housing density is increasing within the areas surrounding Drayton Harbor both within the City and in areas of unincorporated Whatcom County; and

**WHEREAS**, twenty-three other no shooting zones have been established throughout Whatcom County as a means to protect the public.

**NOW THEREFORE, BE IT ORDAINED** by the Whatcom County Council that a new section of Whatcom County Code 9.32 shall be added to create a no-shooting zone in the Drayton Harbor area the boundaries of which will be the greater of (a) one thousand (1,000) feet from the high tide mark of the shoreline, or (b) the city limits of Blaine, as outlined in Exhibit B to this ordinance.

**BE IT FINALLY ORDAINED** that Tribal members exercising treaty rights to hunt on traditional hunting grounds that are open and unclaimed are not subject to this ordinance.

**ADOPTED** this 12th day of October, 2021.

**ATTEST:**

**WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON**

Dana Brown-Davis, Clerk of the Council

Barry Buchanan, Council Chair

**APPROVED AS TO FORM:**

( ) Approved ( ) Denied

Approved via email by Karen Frakes / LB

Civil Deputy Prosecutor

Satpal Sidhu, Executive

**Date:** \_\_\_\_\_

**Exhibit A**  
**(Drayton Harbor No Shooting Zone – City of Blaine Resolution)**

RESOLUTION NO. 1765-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLAINE, WASHINGTON,  
TO SEEK DESIGNATION OF ALL UNINCORPORATED PORTIONS OF DRAYTON  
HARBOR AQUATIC AREA, TIDELANDS AND SHORELINE AS A NO SHOOTING  
ZONE PURSUANT TO WHATCOM COUNTY CODE 9.32 .

**Whereas**, portions of the Drayton Harbor aquatic area, tidelands and shoreline are within the city limits, and

**Whereas**, portions of Drayton Harbor aquatic area, tidelands and shoreline are within Whatcom County jurisdiction, and

**Whereas**, hunting and the discharge of firearms is prohibited in the city limits, and

**Whereas**, it is difficult for members of the public to distinguish between incorporated and unincorporated areas particularly on the open water, which causes numerous hunters to inadvertently move into areas where hunting and discharge of firearms is illegal, and

**Whereas**, our citizens have expressed concerns about gunfire near homes and property and repeatedly call for police response to such incidents, and

**Whereas**, unincorporated portion of Drayton Harbor aquatic area, tidelands and shoreline are within and adjacent to urban growth areas, and

**Whereas**, population is expanding and housing density is increasing within the areas surrounding Drayton Harbor both within the City and an areas or unincorporated Whatcom County,

**Whereas**, the Revised Code of Washington (RCW 36.32.120) provides Whatcom County authority to designate no shooting zones, and

**Whereas**, Whatcom County Code Section 9.32 “Unlawful Discharge of Firearms” designates twenty-two no shooting zones, most lying within and adjacent to cities, urban growth areas and other locations of higher density development,

**Now therefore**, the City Council of the City of Blaine hereby resolves to seek designation of all the aquatic areas and tidelands within Drayton Harbor located within Whatcom County as a no shooting zone pursuant to Whatcom County Code Section 9.32.

**PASSED BY THE CITY COUNCIL OF BLAINE, WASHINGTON**, on the 8<sup>th</sup> day of July, 2019, and approved by the Mayor on the same day.

**CITY OF BLAINE, WASHINGTON**

  
\_\_\_\_\_  
Bonnie Onyon, Mayor

ATTEST/AUTHENTICATE:

  
\_\_\_\_\_  
Samuel Crawford, City Clerk

**Exhibit B**  
**(Whatcom County Drayton Harbor No Shooting Zone)**

**9.32.350 No shooting zone number \_\_\_ established.**

UNINCORPORATED WHATCOM COUNTY ALL WITHIN DRAYTON HARBOR BLAINE WASHINGTON DESCRIBED AS FOLLOWS:

THOSE PORTIONS OF SAID HARBOR WITHIN 1,000 FEET WATERWARD OF THE HIGH TIDE MARK OF THE SHORELINE OF SAID HARBOR OR THE LIMITS OF THE CITY OF BLAINE, WHATCOM COUNTY, WASHINGTON WHICH EVER IS GREATER DISTANCE FROM SAID HIGH TIDE MARK.

