

TO ALL COUNCILMEMBERS:

## **SUBSTITUTE VERSION**

*For*

October 8, 2019

### **PUBLIC HEARING #1**

1. AB2019-472 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  
**Pages 483 - 491**

1. Packet version was missing the City of Blaine's resolution as Exhibit A
2. Department comments updated – see last page





# Whatcom County

COUNTY COURTHOUSE  
311 Grand Avenue, Ste #105  
Bellingham, WA 98225-4038  
(360) 778-5010

## Agenda Bill Master Report

File Number: AB2019-472

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<b>File ID:</b>	AB2019-472	<b>Version:</b>	1	<b>Status:</b>	Introduced for Public Hearing
<b>File Created:</b>	09/05/2019	<b>Entered by:</b>	DBrown@co.whatcom.wa.us		
<b>Department:</b>	Council Office	<b>File Type:</b>	Ordinance		
<b>Assigned to:</b>	Council			<b>Final Action:</b>	
<b>Agenda Date:</b>	10/08/2019			<b>Enactment #:</b>	

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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:

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.

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### HISTORY OF LEGISLATIVE FILE

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Date:	Acting Body:	Action:	Sent To:
09/24/2019	Council	INTRODUCED FOR PUBLIC HEARING	Council

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**ORDINANCE NO. \_\_\_\_\_**

**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 requested by the City of Blaine; 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 request submitted by the City of Blaine (see City of Blaine Resolution No. 1765-19, attached as Exhibit A to this resolution):

- 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 as outlined in Exhibit B to this ordinance.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2019.

**ATTEST:**

**WHATCOM COUNTY COUNCIL**  
**WHATCOM COUNTY, WASHINGTON**

\_\_\_\_\_  
**Dana Brown-Davis, Clerk of the Council**

\_\_\_\_\_  
**Rud Browne, Council Chair**

**APPROVED AS TO FORM:**

**( ) Approved ( ) Denied**

\_\_\_\_\_  
**Civil Deputy Prosecutor**

\_\_\_\_\_  
**Jack Louws, 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,

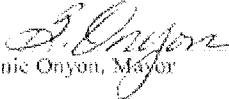
**Whereas**, the Revised Code of Washington (RCW 36.32.120) provides Whatcom County authority to designate no shooting zones, and

**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:

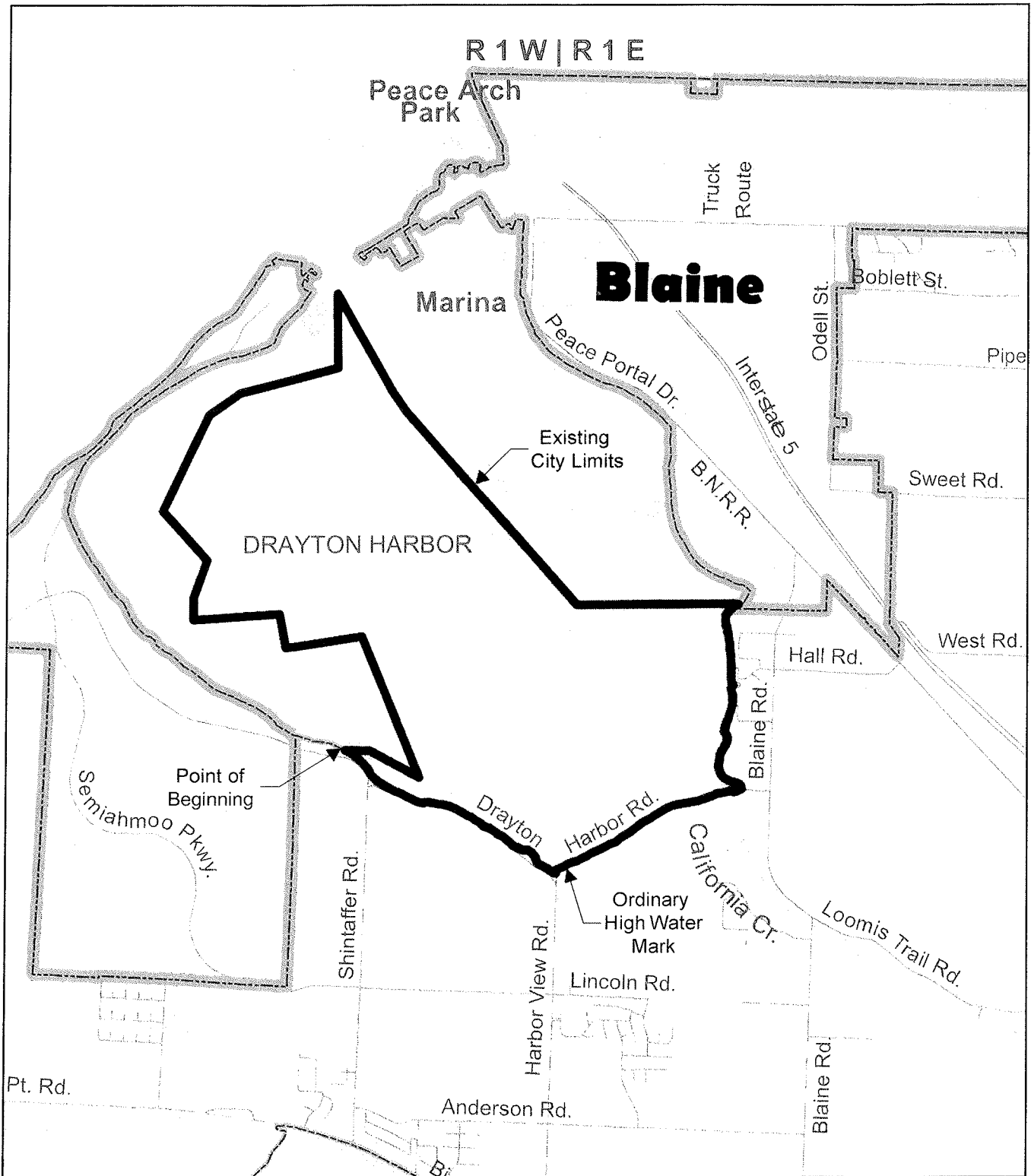
  
Samuel Crawford, City Clerk

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

**9.32.350 No shooting zone number 24 established.**

- A. No shooting zone number 24 is also known as the Drayton Harbor area.
- B. The boundaries are described 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.

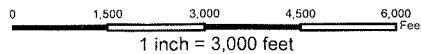


## Drayton Harbor No Shooting Zone

### Legend

Drayton Harbor No Shooting Zone

Date: 8/30/2019



USE OF WHATCOM COUNTY'S GIS DATA IMPLIES THE USER'S AGREEMENT WITH THE FOLLOWING STATEMENT:

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**PROPOSED DRAYTON HARBOR NO SHOOTING ZONE ORDINANCE  
(CITY OF BLAINE PROPOSAL) - COMMENTS FROM WHATCOM COUNTY  
DEPARTMENTS**

Per Whatcom County Code 9.32.060(B), the proposed ordinance to establish a no shooting zone in Drayton Harbor (City of Blaine proposal) was routed to the following County departments for comment: Prosecuting Attorney, Sheriff, Executive, Planning and Development Services, and Public Work.

As of today, October 8, the following comments have been received:

**Public Works (Administration and Engineering):** "Public Works has no comment."

**Planning and Development Services:** "No comments from PDS."

**Sheriff's Department:** "The Sheriff's Office does not have any additional input on the proposals. This is not an area that we get significant complaints/concerns brought to our attention."