

9.37.010 Definitions.

A. "Firearms" as used in this chapter means any weapon or device from which a projectile may be fired by an explosive such as gunpowder.

B. "No shooting zone" is an area designated by the county council in which the discharge of firearms is prohibited under this chapter.

C. "Ranges" are private, public or commercial facilities meeting the following criteria:

1. Covered ranges are ranges, whether interior or exterior, constructed of materials such as concrete, wood, rock, soil, metal or a combination thereof with sufficient thickness recommended by the State Department of Wildlife for projectile backstop particular to caliber used.

2. The Bellingham Gun Club (Larson Road facility) and the Custer Sportsman Club (Custer and Lynden facility). (Ord. 92-74 (part)).

9.37.020 Authority.

The county council has the authority and power to establish no shooting zones, pursuant to authority granted by the state in RCW 36.32.120. (Ord. 92-74 (part)).

9.37.030 Initiation by citizens or council.

Citizens may petition the county council for the formation of a no shooting zone, or the council may initiate the creation of a no shooting zone by passing a resolution declaring its intent to do so, if it finds that such creation would be in the best interest of the public health, safety and welfare. (Ord. 92-74 (part)).

9.37.040 Petition.

Citizens petitioning the council for creation of a no shooting zone shall follow the process set forth in this section. Using a form provided by the Council Office, the petitioners shall submit to the council the following:

A. The signatures of at least 60 percent of persons owning property within the proposed boundaries of the zone;

B. A legal description of the proposed boundaries of the no shooting zone. Said boundaries shall not overlap those of existing no shooting zones. In preparing such legal description, petitioners must seek the assistance of the county engineering division and should place the proposed boundary lines along established roadways whenever possible;

C. A map showing those boundaries, on an 8-1/2 by 11-inch sheet of paper;

D. A cover letter explaining the reasons petitioners would like the no shooting zone to be formed, a history of shooting violations in the area, bearing the name, address, and phone numbers of a person who will act as liaison with the county council concerning this proposed zone. Anti-gun and anti-hunting sentiments shall not be considered as reasons for presenting a no shooting zone petition to the county council. (Ord. 92-74 (part)).

9.37.050 Resolution of intent.

A. Upon its own initiative the council may pass a resolution declaring its intent to form a no shooting zone.

B. The resolution will contain the following:

1. A statement that the council believes the formation of the no shooting zone would be in the best interests of the public health, safety and welfare;
2. Citations of the council's authority to pass such a resolution;
3. A statement that creation of a no shooting zone could result in the imposition of civil penalties;
4. A legal description and map of the proposed boundaries of the no shooting zone, verified by the county engineering division;
5. A request for public comment on the proposed no shooting zone, along with a statement that the council will be consulting with other county departments before scheduling the matter for public hearing;
6. A statement that the council cannot create the no shooting zone without first having a hearing on the proposal, and that such hearing date is yet to be announced.

C. Upon passage of the resolution, the clerk of the council will advertise the resolution's contents in the county's official newspaper, as well as the newspaper of widest circulation within the boundaries of the proposed zone. (Ord. 92-74 (part)).

9.37.060 Ordinance establishing zone.

A. Following either the receipt at a full council meeting of a citizen's petition complying with the requirements of this chapter, or passage of a resolution of intent by a majority of the full council, the clerk of the council will draft an ordinance to establish the no shooting zone and assign a number to the proposed zone.

B. Following preparation of the ordinance, the clerk of the council will seek review of the ordinance by the following county departments and state agencies: Prosecutor's office; sheriff's office; executive; planning department; public works department, including the

engineering and buildings and code divisions; and the Washington State Department of Wildlife, enforcement division.

C. The clerk of the council will schedule the ordinance for introduction and hearing by the county council. Notice of hearing shall be published in accordance with state and county law, in the newspaper of general circulation within the county and the newspaper of general circulation within the proposed boundaries of the no shooting zone.

D. Following the public hearing, the council shall take into consideration the comments made by the public and county departments when making its decision to adopt or to not adopt the ordinance. (Ord. 92-74 (part)).

9.37.070 Notice of zone establishment.

A. Upon adoption of the ordinance establishing a no shooting zone, the clerk of the council shall publish notice of adoption in the newspaper of general circulation within the county and the newspaper of general circulation within the proposed boundaries of the no shooting zone.

B. Notice of the ordinance's adoption shall be sent to the following departments and/or (including the engineering and buildings and codes divisions); parks department; Washington State Patrol; What-Comm; the Washington State Department of Wildlife, enforcement division and other interested organizations. (Ord. 92-74 (part)).

9.37.080 Restrictions and penalties.

A. It is unlawful to discharge firearms within the areas described as no shooting zones within this chapter.

B. All county dumps and present county parks are no shooting zones, except for those areas listed under "exemptions."

C. Violations of this chapter shall constitute class 1 civil infractions pursuant to RCW 7.80.120. The maximum penalty and the default amount for such violations shall be consistent with Chapter 7.80 RCW. All violations shall be heard and determined in accordance with the system established in Chapter 7.80 RCW.

D. The Whatcom County Sheriff shall be the "enforcement officer" of this chapter, as that term is defined in RCW 7.80.040. (Ord. 92-74 (part)).

9.37.085 Unlawful firearms and/or weapons in parks.

A. It is unlawful within a county-owned park for any person to:

1. Discharge or propel across, in, or into any county-owned park a firearm, bow and arrow, spear gun, harpoon, or air or gas weapon, or any similar dangerous device capable of injuring or killing any person or animal, or damaging or destroying any public or private property.

A violation of this section shall constitute a misdemeanor.

B. The following are affirmative defenses to a violation of this section, which the defendant must prove by a preponderance of the evidence:

1. The activity constituting the violation was authorized by the Whatcom County parks and recreation director as a special recreational activity upon a finding that the activity is consistent with parks use.
2. Any person acting for the purpose of protecting himself or herself against the use of presently threatened unlawful force by another, or for the purpose of protecting another against the use of such unlawful force by a third person.
3. Any person making or assisting in making a lawful arrest for the commission of a felony.
4. Any properly licensed hunter during an applicable hunting period or season, who is entering or leaving an approved hunting area, or who traverses park property while entering or leaving an approved hunting area.
5. If otherwise exempted by either RCW 9.41.300(2)(b) or (6) as currently enacted or hereafter amended or by WCC 9.32.090(C), (D), or (G) as currently enacted or hereafter amended.

C. Nothing in this section shall be construed to abridge the right of an individual licensed under RCW 9.41.070 to carry a concealed weapon in a county-owned park. (Ord. 2013-025 Exh. A; Ord. 99-007).

9.37.090 Exemptions.

A. This chapter shall not apply to nor prohibit the discharge of firearms in the slaughter of cattle, sheep or swine, or the attempted destruction of predators, or the humane dispatch of diseased or injured animals.

B. This chapter shall not apply to law officers who discharge firearms while in the line of duty, or citizen for self-defense, defense of others, or defense of their property.

C. The county park facility known as the Plantation Rifle Range is exempt from this chapter.

D. The county park known as Tennant Lake is exempt from this chapter, provided that shooting will be allowed only after permission is granted by the parks director or his/her designee.

E. This chapter shall not apply to organized "black powder" events.

F. This chapter shall not apply to nor prohibit the discharge of firearms in historically hunted areas adjacent to shorelines of lakes, ponds, and streams (including the Nooksack River, Terrell Lake, Tennant Lake, Squalicum Lake, Mosquito Lake, Fazon Lake, Boundary Lake, Green Lake, Pangborn Lake). The council shall determine additional "historically hunted areas" from testimony at the no shooting zone hearing(s), if and when there is consideration of additional zone(s), to which these may apply.

G. This chapter shall not apply to nor prohibit the discharge of firearms in any competition or event at any county park which is authorized by or sponsored by the county parks system.

H. This chapter shall not apply to covered ranges (WCC 9.32.010) and the inclusion or exclusion of other types of ranges within a no shooting zone shall be determined from testimony at the hearing(s), if and when there is consideration of additional zone(s), to which these may apply. The intent is to provide private ranges if deemed safe.

I. The Bellingham Gun Club (Larson Road facility), and the Custer Sportsman Club (Custer and Lynden facilities) are exempt from this chapter.

J. All hunting activity in Whatcom County shall be conducted, also, under the rules and regulations of the Washington State Department of Wildlife. (Ord. 92-74 (part)).

9.37.100 *Zolles posted.*

A. Signs stating that no shooting is allowed in a given area shall be placed by the county at a minimum of four locations along the entire boundary of all no shooting zones, particularly along road frontage or points of public access.

B. Exceptions to this section include county dumps and county parks, wherein signs are required only at the main entrances.

C. Posting of signs shall be the responsibility of the public works department.

D. The signs will be created under the direction of the public works department and shall conform to the following minimum requirements:

1. Each sign will be of sufficient size to contain the information required in this section, and for the wording to be easily distinguished from a distance of 25 to 30 feet.
2. Each sign will either convey, through use of graphics, that no shooting is allowed; or will bear wording similar to the following:

NO SHOOTING

Whatcom County Code Section 9.32

Violation punishable by civil penalties

E. The placement of these signs is advisory only. It is the responsibility of the person doing the shooting to know the area and to know whether or not shooting is permissible. It is not a defense to a violation of this ordinance that the signs called for were not in place.

F. Private property owners may post their own land as “no shooting” or “no hunting” areas, even when not located within a no shooting zone. (Ord. 92-74 (part)).

9.37.110 [Severability](#).

If any section, subsection, clause or phrase of this ordinance codified in this chapter or its application to any person or circumstances is held invalid, the remainder of the application to other persons or circumstances shall not be affected. (Ord. 92-74 (part)).