

1 Sponsored by: Councilmember Roger Bush
2 Requested by: County Executive/Park and Recreation Services Department

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7 ORDINANCE NO. 2010-69
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10 **An Ordinance of the Pierce County Council Amending Section 14.08.060 I.**
11 **of the Pierce County Code, "Park Code," to Remove**
12 **Regulatory Language Relating to Firearms in Parks in**
13 **Recognition of the State's Preemption of Firearms**
14 **Regulation in Revised Code of Washington 9.41.290.**
15

16 **Whereas**, Section 14.08.060 I. of the Pierce County Code (PCC) provides that it
17 is unlawful to possess a firearm with a cartridge in any portion of the mechanism or to
18 discharge across, in or into any park a firearm, air or gas weapon or any device capable
19 of injuring or killing any person or animal or damaging or destroying any public or
20 private property; and
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22 **Whereas**, Revised Code of Washington (RCW) 9.41.290 clearly preempts the
23 entire field of firearms regulation within the state "...including the registration, licensing,
24 possession, purchase, sale, acquisition, transfer, discharge, and transportation of
25 firearms, or any other element relating to firearms or parts thereof, including ammunition
26 and reloader components."; and
27

28 **Whereas**, the preemptive language in RCW 9.41.290 does make an exception,
29 allowing local governments to enact laws, as in RCW 9.41.300(2)(a), restricting the
30 discharge of firearms in any portion of their jurisdiction where there is "a reasonable
31 likelihood that humans, domestic animals, or property will be jeopardized."; and
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33 **Whereas**, the first clause contained in PCC 14.08.060 I. is preempted and
34 repealed as a matter of law and that language should be removed from the County
35 Code; and
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37 **Whereas**, the Council has previously found that the discharge of a firearm
38 across, in or into any County park presents a reasonable likelihood that humans,
39 domestic animals, or property will be jeopardized and therefore, the remainder of PCC
40 14.08.060 I. is consistent with both RCW 9.41.290 and 9.41.300(2)(a) and should
41 remain valid law; **Now Therefore**,
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1 **BE IT ORDAINED by the Council of Pierce County:**

2
3 Section 1. Section 14.08.060 I. of the Pierce County Code is hereby amended as
4 follows:

5
6 **"14.08.060 Prohibited Activities.**

7 It is unlawful for any person to:

- 8 I. ~~Possess a firearm with a cartridge in any portion of the mechanism, or~~
9 ~~Discharge across, in or into any park a firearm, air or gas weapon, or any~~
10 ~~device capable of injuring or killing any person or animal or damaging or~~
11 ~~destroying any public or private property."~~

12
13 **PASSED this _____ day of _____, 2010.**

14
15 ATTEST:

PIERCE COUNTY COUNCIL
Pierce County, Washington

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17
18
19 _____
20 **Denise D. Johnson**
21 Clerk of the Council

Roger Bush
Council Chair

22
23
24 _____

Pat McCarthy
Pierce County Executive
Approved _____ Vetoed _____, this
28 _____ day of _____,
29 2010.

30
31 Date of Publication of
32 Notice of Public Hearing: _____

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34 Effective Date of Ordinance: _____

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