



CO00037505

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 10-016

RELATING TO FIREARMS AND OTHER WEAPONS IN COUNTY PARKS,
PROHIBITING DISCHARGE OF FIREARMS, AMENDING SCC 22.16.090,
AND ADDING A NEW SECTION

WHEREAS, the Washington State Legislature declared in RCW 9.41.290 that the State of Washington fully occupies and preempts the entire field of firearms regulation within the boundaries of the State, including the registration, licensing, possession, purchase, sale, acquisition, transfer, discharge, and transportation of firearms; and

WHEREAS, in a formal legal opinion (AGO 2008 No. 8) the Attorney General of the State of Washington declared that RCW 9.41.290 preempts a city's authority to enact local laws that prohibit possession of firearms on city property or in city-owned facilities; and

WHEREAS, the King County Superior Court recently held that city authority to regulate possession of firearms in city parks and recreation facilities during public use of those facilities is preempted by state law and, on that basis, invalidated a Seattle rule prohibiting possession of firearms in city parks; and

WHEREAS, there is a substantial likelihood that, if challenged, SCC 22.16.090 would be found by a court to violate RCW 9.41.290 insofar as it prohibits the possession of firearms in county parks;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Snohomish County Code Section 22.16.090, last amended by Amended Ordinance No. 98-076 on August 19, 1998, is amended to read:

22.16.090 Weapons and fireworks.

(1) No person shall possess ((or discharge)) any ((firearm)) crossbow, bow and arrow, air or gas weapon, slingshot, fireworks or explosive in any county park except at times and in areas specifically designated by the parks division and posted for such use. No person shall discharge a crossbow, bow and arrow, air or gas weapon, slingshot, fireworks or explosive in, into, or across any county park except at times and in areas specifically designated by the parks division and posted for such use.

1 (2) This section is based, in part, on the apparent preemptive effect of
2 RCW 9.41.290 on county authority to prohibit possession of firearms in county
3 parks.
4

5 Section 2. A new section is added to Chapter 22.16 of the Snohomish County
6 Code to read:

7
8 **22.16.095 Discharge of firearms.**

9 (1) No person shall discharge a firearm in, into, or across any county park
10 except at times and in areas specifically designated by the parks division and
11 posted for such use.

12 (2) This section shall not be construed to abridge the right of individual
13 citizens to bear arms in defense of self or others as provided in RCW 9.41.300
14 and article I, section 24, of the state constitution.

15
16 PASSED this 21st day of April, 2010.

17
18 SNOHOMISH COUNTY COUNCIL
19 Snohomish County, Washington

20 *Dave Cassett*
21
22 Chairperson

23
24 ATTEST:

25 *Barbara Sikorski*
26 Clerk of the Council, *Asst.*

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29 APPROVED

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31 EMERGENCY

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33 VETOED
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35 DATE: 05/05/2010

36
37 *Brian D. Parry*
38 County Executive

39 BRIAN D. PARRY
Executive Director

40 ATTEST:

41 *Cora E. Palmer*
42

43 Approved as to form:

[Signature]
Deputy Prosecuting Attorney

ORDINANCE NO. 10-016
RELATING TO FIREARMS AND OTHER WEAPONS
IN COUNTY PARKS, PROHIBITING DISCHARGE OF
FIREARMS, AMENDING SCC 22.16.090, ETC. - 2

D-14