

BEFORE THE BOARD OF COUNTY COMMISSIONERS
PACIFIC COUNTY, WASHINGTON

ORDINANCE NO. 137

AN ORDINANCE WHICH EXEMPTS PACIFIC COUNTY FROM SECTION 405 (4) OF CHAPTER 7 OF THE 1994 SESSION LAWS, FIRST SPECIAL SESSION AND ALLOWS MOST PERSONS TO CARRY UNLOADED, NONCONCEALED FIREARMS.

SECTION 1 - STATUTORY AUTHORIZATION AND LEGISLATIVE PURPOSE.

1.1 Statutory Authorization

Section 405(6) of Chapter 7 of the 1994 Session Laws, First Special Session, allows a county to exempt itself from the prohibition contained in Subsection 4 of this legislation that limits a person's ability to carry an unloaded firearm unless it is enclosed in an opaque case or secure wrapper.

1.2 Statement of Purpose

This Ordinance is intended to promote the guarantees under Article I, Section 24 of the Washington State Constitution and the Second Amendment to the United States Constitution. Nothing in this ordinance is meant to alter any provisions of the 1994 Session Laws, except the prohibition listed in Section 405(4) of Chapter 7 of the 1994 Session Laws, First Special Session. Other prohibitions contained in this enactment by the Legislature, e.g., limitations on firearm possession by juveniles, remain in effect.

SECTION 2 - GENERAL PROVISIONS

2.1 Land To Which This Ordinance Applies

This ordinance applies to all of the unincorporated areas of Pacific County.

2.2 Exemption from State Law

Under the authority granted by Section 405(6) of Chapter 7 of the 1994 Session Laws, First Special Session, Pacific County hereby exempts itself from the prohibition of Section 405(4) of Chapter 7 of the 1994 Session Laws, First Special Session. This ordinance alters no other provision of the 1994 Session Laws.

2.3 Effective Date

This ordinance shall take effect immediately.

2.4 Severability

If any provision, or any portion thereof, contained in this ordinance is held to be unconstitutional, invalid or unenforceable, said provision(s), or portion(s) thereof, shall be deemed severable and the remainder of this ordinance shall not be affected and shall remain in full force and effect.

PASSED by the Board of Pacific County Commissioners meeting in regular session at South Bend, Washington, by the following vote, then signed by its membership and attested to by its Clerk in authorization of such passage the 12th day of July, 1994.

3 YEA; 0 NAY; 0 ABSTAIN; and 0 ABSENT.

APPROVED AS TO FORM:

David Burke
Civil Attorney
for Pacific County

BOARD OF COUNTY COMMISSIONERS
PACIFIC COUNTY, WASHINGTON

Pat Hamilton
Chairman

ATTEST:

Kathy Aasen
Clerk of the Board

Jon C. Kamin
Commissioner

Robert W. Kilgus
Commissioner

The Board of County Commissioners adopted the following Findings of Fact in support of Ordinance No. 137:

- (1) Pacific County has not encountered the level of violence associated with firearms that larger counties have experienced.
- (2) The prohibition contained in Section 405(4) of Chapter 7 of the 1994 Session Laws, First Special Session, is unnecessary given the rural nature of Pacific County.
- (3) The prohibition contained in Section 405(4) of Chapter 7 of the 1994 Session Laws, First Special Session, would not aid Pacific County law enforcement.
- (4) Citizens of Pacific County do not want to be bound by unnecessary regulations pertaining to the possession of firearms.
- (5) Notice of the hearing pertaining to this Ordinance was published in the Chinook Observer and Harbor Herald on June 28 and June 29, 1994, respectively.
- (6) Citizens of Pacific County have traditionally transported firearms in a responsible manner that does not pose a threat to public safety or to the public peace.

APPROVED AS TO FORM:

David Burke
Civil Attorney
for Pacific County

BOARD OF COUNTY COMMISSIONERS
PACIFIC COUNTY, WASHINGTON

Carl Hamilton 7-12-94
Chairman

ATTEST:

Kathy Aoren
Clerk of the Board

Jon C. Kaino Jr. 7-12-94
Commissioner

Robert M. Wilson
Commissioner 7-12-94

