

Exhibit “A”

Chapter 9.06 Discharge of Firearms Prohibited

9.06.010 Definitions

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- A. “Board” means the Board of Island County Commissioners.
- B. “Firearm” means a device from which a projectile or projectiles may be fired by use of an explosive such as gunpowder. “Firearm” does not include devices from which a projectile is propelled through the use of air or other compressed gas.
- C. “Firearms Advisory Commission” or “Commission” means the Board-appointed Commission responsible for the creation of Petition Review Standards, review and recommendation regarding petitions to establish new No Shooting Areas, amend existing No Shooting Areas, or disestablish existing No Shooting Areas.
- D. “Gun Club” and “Shooting Range” means a facility established for the purpose of recreational shooting, including, but not limited to target shooting and skeet shooting and may also include organized tournaments. (Also see ICC 17.03.040 Definition.)
- E. “No Shooting Area” means an area where the discharge of firearms is prohibited in unincorporated Island County.
- F. “Petition Review Standards” means standards established by the Firearms Advisory Commission, and adopted by the Board, that are used to review citizen petitions.

9.06.020 Firearms Advisory Commission

- A. Purpose. The Firearms Advisory Commission shall serve in an advisory capacity to the Board on discharge prohibitions and/or other recommendations relating to firearms.
- B. Created. The citizen members of the Firearms Advisory Commission shall be appointed by a majority of the Board.
- C. Composition. The Firearms Advisory Commission shall consist of the following nine members:
 - 1. Island County Sheriff or his or her designee, ex-officio, as a non-voting member;

2. Director of the Island County Planning and Community Development Department or designee, ex-officio, as a non-voting member;
3. Presidents or owners of three permitted Island County Gun Clubs or Shooting Ranges or designees; and
4. Four residents, registered voters, from the unincorporated area of Island County.

Commission members in category 4 must provide documentation of successful completion of a firearm safety class or Washington hunter safety class within two (2) months of appointment. A minimum of two members shall be Camano Island residents.

D. Membership – Terms of Office. The initial terms of the members from categories C(3) and C(4), above, shall be staggered as follows:

1. One resident, registered voter, and one Gun Club or Shooting Range representative shall be appointed for two years;
2. One resident, registered voter, and one Gun Club or Shooting Range representative shall be appointed for three years; and
3. Two residents, registered voters, and one Gun Club or Shooting Range representative shall be appointed for four years.

Thereafter, the successors to the first appointees shall be appointed to 4-year terms. No member of the Firearms Advisory Commission shall serve more than two consecutive full terms of office.

E. Vacancies. Vacancies occurring for any reason shall be filled by appointment for the remainder of unexpired terms, or, if the vacancy occurs less than three months from the end of a regular term the successor shall be appointed for the remainder of the unexpired term and the following full term.

F. Removal from Office. The Board may remove any appointed member of the Firearms Advisory Commission for inefficiency, neglect of duty, malfeasance, or three unexcused absences in one year.

G. Officers. The Director of Planning and Community Development or designee shall serve as Chair of the Commission. The Commission members shall elect a Vice Chair and Secretary.

H. Rules and Records. The Firearms Advisory Commission shall adopt rules of procedure and recommend Petition Review Standards to the Board, for Board adoption, based on recognized safe gun use standards before it transacts any other business and the Commission shall keep a written summary of its transactions of business. Meetings shall

comply with Chapter 42.30 RCW, Open Public Meetings Act, and Chapter 42.56 RCW, Public Records Act.

- I. Quorum. A quorum for conducting business of the Commission shall be four voting members, as well as attendance of the two non-voting, ex-officio, members.
- J. Voting Privileges. Each member of the Firearms Advisory Commission in categories C(3) and C(4) shall be entitled to one vote on any matter duly before the Commission.
- K. Functions. The Firearms Advisory Commission shall make advisory recommendations to the Board on:
 - 1. Petitions regarding the creation, dissolution, or amendment of No Shooting Areas. Recommendations regarding such petitions shall include, but not necessarily be limited to, determinations that the petition complies with RCW 9.41.300(2)(a), and, in areas where restrictions appear warranted, whether or not shotgun use is safe and appropriate.
 - 2. Any proposed County legislation regarding firearms.
 - 3. Any other issues related to firearms that the Commissions deems beneficial.
- L. Coordination. The Board shall coordinate all matters relating to the Commission's performance of its duties, including providing required notice, requesting applicants for appointments and reappointments, keeping records of meetings and decisions, documenting the Commission's rules of procedure and Petition Review Standards, and forwarding documents and recommendations of the Commission. The Commission shall prepare a report and forward their recommendation to the Board.
- M. Recommendations. The Commission's written recommendation must contain all concerns to be considered. Any oral presentation by a Commission member shall only be permitted to clarify the Commission's written recommendation and any presentation by a Commission member which goes beyond clarifying the written recommendation shall be considered a personal recommendation. All written recommendations of the Commission must contain a summary of the Commission's action, and specify the vote on said matters. Recommendations and any oral clarification shall be provided during a regularly scheduled Board public meeting.

9.06.030 Creation, Amendment or Disestablishment of No Shooting Areas – Petition Method or Board Proposal

The Board of Island County Commissioners will consider establishment of a new No Shooting Area, amendment of a No Shooting Area, or disestablishment of an existing No Shooting Area. Under no circumstances shall the Board designate, or disestablish, a No Shooting Area until the

Firearms Advisory Commission has had an opportunity to review the proposal and make its recommendation to the Board.

A. The establishment, amendment of, or disestablishment of a No Shooting Area within a defined area may be initiated by citizen property owner petition or as a Board proposal. Petitions shall be filed with the Clerk of the Board.

1. Petitions shall contain a quarter section map(s) delineating the boundaries along established features (e.g., roadways, shorelines, etc.) that define the No Shooting Area under consideration, including the parcel numbers in the County Assessor's data base for all parcels within said boundaries. Parcels shall be contiguous except where interrupted by federally or publically owned property that creates a discontinuity.
2. The petition shall indicate "We, the undersigned, affirm that we own real property within the defining boundaries on the map attached to this petition" and shall include the names, addresses and signatures of the property owners. The petition must include signatures from at least 60 percent of the persons owning property within the boundaries (not including any properties omitted in the petitioning area).
3. A cover letter shall accompany the petition describing the circumstances and reasons for the requested establishment or disestablishment of the No Shooting Area.
4. A primary citizen property owner sponsor, who acts as a liaison between the citizen property owners petitioning, the Commission, and the Board, shall be identified in the cover letter and the primary citizen sponsor's name, address, phone number, and e-mail address shall be filed with the Clerk of the Board.

B. Conditions (not limited) for Board consideration of No Shooting Areas:

1. There is a reasonable likelihood that humans, domestic animals, or property will be jeopardized by the discharge of firearms.
2. The proposed No Shooting Area is a minimum of 20 acres in size and contains at least twenty (20) legal lots (If the petitioners provide reasonable evidence that the discharge of firearms within a defined area smaller than 20 acres with other configurations or circumstances will render a reasonable likelihood that humans, domestic animals, or property will be jeopardized by the discharge of firearms, the Board may consider the petition).
3. The discharge area under consideration is within 500 feet of residences or structures that may be occupied by humans or domestic animals or within 500 feet of a structure that is likely to contain flammable or combustible materials.
4. The discharge area is within 1,000 feet of public or private school campus or playground.

C. Review and Adoption Procedures:

1. Within 30 days of receipt of a petition regarding a No Shooting Area, the Board shall deliberate over the petition and will forward reasonable petitions to the Firearms Advisory Commission for its review and recommendation.
2. The Firearms Advisory Commission will review the petition using the established Petition Review Standards. Within 30 days of receipt of the petition the Commission will forward its recommendation to the Board.
3. Within 30 days of receipt of the Commission's recommendation the Board will take action to either dismiss the petition or to schedule a public hearing.
4. At the conclusion of the public hearing, the Board may approve or disapprove the establishment or disestablishment of a No Shooting Area.
5. For No Shooting Areas created on or after the effective date of this ordinance, the primary citizen sponsor shall cause signs to be posted and maintained at or near the boundary of the No Shooting Area and along all roadways or trails used by the public within the designated area. The signs shall read:

This is a Prohibited "No Shooting Area"
The use of firearms within this area is limited pursuant to Island
County Code Chapter 9.06. Contact the Sheriff's Office for
additional information. It is unlawful to deface or remove this sign.

~~9.06.010~~ 9.06.040 Prohibited Firearm Discharge Areas

- ~~A.~~ The discharge, firing, and shooting, ~~and use~~ of firearms is prohibited in the following described areas of Island County:
- ~~A.~~ 1. Lone Lake. On the surface of Lone Lake and over the surface of the land within one-hundred (100) yards of the shoreline of said Lone Lake lying within Township 26 North, Range 3 East of the Willamette Meridian;
- ~~B.~~ 2. Goss Lake. On the surface of Goss Lake and over the shoreline of said Goss Lake lying within Township 29 North, Township 30 North, Range 3 East of the Willamette Meridian;
- ~~C.~~ 3. Honeymoon Lake. On the surface of Honeymoon Lake and over the surface of the land within one-hundred (100) yards of the shoreline of said Honeymoon Lake lying within Township 30 North, Range 2 East of the Willamette Meridian.
- ~~D.~~ 4. Deer Lagoon. Discharge of firearms is prohibited on the Island County-owned Deer Lagoon property, described in the attached legal description, Attachment "A,"¹ the property that lies within Township 29 North, Range 2 East of the Willamette Meridian.

~~The prohibition of the discharge, firing, shooting and use of firearms provided above shall not abridge the right of the individuals guaranteed by Article I, Section 24 of the state Constitution to bear arms in defense of self or others or law enforcement officers in the performance of their official duties.~~

B. Nothing in this chapter is meant to exclude the following:

1. The right of individuals guaranteed by Article I, Section 24 of the Washington State Constitution to bear arms in defense of self or others, or law enforcement officers in the performance of their official duties, and the right of individuals to bear arms under the Second Amendment to the United States Constitution;
2. The lawful use of firearms pursuant to RCW 16.08.020 (Dogs injuring stock may be killed);
3. The use of firearms to lawfully slaughter farm animals;
4. Lawful hunting activities on public or private property, except on the property described in subsection A(1) through (4), above;
5. The continued operation of permitted private or public Gun Clubs and Shooting Ranges that were established and operating prior to the enactment of the No Shooting Area; and
6. The discharge of firearms on a parcel of property 10 acres or more in size that was in existence at the time of creation of the No Shooting Area, which property has had in place natural or manmade ground contours, berms, sand traps, fiber containment device, or another containment device designed to reasonably ensure that a projectile fired on the property is contained within the property boundaries, and the property has been being actively used for target practice and/or sighting in of firearms. Unsuitable backstops included but are not limited to trees, stumps, vehicle hulks, stone or gravel piles. Discharge of firearms on such property shall be subject to the following conditions:
 - a) Only the landowner and the landowner's adult guests may discharge firearms. Safety of shooters and containment of projectiles is the responsibility of the property owner and/or shooter;
 - b) Individuals discharging firearms must be adults or under the direct supervision of a responsible adult; and

- c) Any discharge of firearms will be conducted between 9:00 a.m. and dusk and shall be for the purpose of target practice or sighting of such weapons.

9.06.020 9.06.050 Penalty for Violation

- A. Any person who shall violate the provisions of this chapter shall be guilty of a misdemeanor and shall be punished as provided by applicable law.
- B. It shall be unlawful and punishable as a misdemeanor for any person(s) to deface or remove any sign placed pursuant to this chapter. All provisions of this chapter shall be enforceable regardless of the presence or absence of signs.

9.06.060 Limitation of Liability

This chapter is not intended to create any specific persons to be benefited or protected or any class of persons to be benefited or protected nor to create any reliance relationship between Island County and any persons. This chapter is not intended to create any duty running in favor of any particular persons, but is adopted to promote the general health, safety and welfare of the public at large. The obligation to comply with the provisions of this chapter is upon those who use the areas described. Acts or omissions to act under this chapter by Island County, its officials or employees shall not create any liability on the part of Island County, its officials or employees.