

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: May 9, 2016

AGENDA ITEM:	
Ordinance banning discharge of firearms	
PREPARED BY:	DIRECTOR APPROVAL:
Jon Walker, City Attorney	
DEPARTMENT:	
Legal	
ATTACHMENTS:	
BUDGET CODE:	AMOUNT:
SUMMARY:	

For a number of years, the city has received citizen complaints of firearms being discharged in the area of the Qwuloolt during the hunting season. The Marysville municipal code currently does not prohibit the discharge of firearms within the city limits, except in parks (MMC 6.82.070) and where the discharge is in a “public place “or in any place where any person might be endangered thereby” (MMC 6.60.010 adopting RCW 9.41.230 by reference). While MMC 6.60.010 gives police and prosecutors case-by-case authority depending on the specific facts, it is resource-intensive and does not authorize the city to place any particular place off-limits to shooting.

Three of Marysville’s closest city neighbors ban the discharge of firearms within their limits: Arlington, Lake Stevens, and Stanwood, as do four other Snohomish County cities (Gold Bar, Monroe, Mukilteo, and Sultan) and numerous cities statewide (e.g. Auburn, Bellingham, Duvall, Lakewood, Maple Valley, Shoreline, Spokane Valley, Tacoma, and Walla Walla).

RECOMMENDED ACTION: Staff recommends the Council consider authorizing the Mayor to sign the ordinance adding a new section 6.60.060 to the municipal code.
--

CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE,
WASHINGTON, AMENDING CHAPTER 6.60 OF THE MUNICIPAL CODE
AND PROHIBITING THE DISCHARGE OF FIREARMS.**

WHEREAS, Marysville citizens have raised concerns over the discharge of firearms within the city limits; and

WHEREAS, the lowest density residential zone in the city permits 4.5 dwelling units per acre; and

WHEREAS, the density of residential, commercial, and industrial uses in the city do not leave sufficient area for the use and discharge of firearms; and

WHEREAS, the discharge of firearms within the city limits poses a reasonable likelihood that humans, domestic animals, or property will be jeopardized; and

WHEREAS, the discharge of firearms in parks or open space are inconsistent with the recreational uses for which these spaces are intended and also present a reasonable likelihood that humans, domestic animals, or property will be jeopardized; and

WHEREAS, peace officers are properly trained in the safe use of firearms, use firearms in the course of their official duties; and

WHEREAS, Article I, section 24 of the state Constitution guarantees the right of the individual to bear arms.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARYSVILLE,
WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. A new section is added to the Marysville Municipal Code as section 6.60.060.

SECTION 2. Amendment of Municipal Code. The municipal code is amended as set forth in Exhibit "A."

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

SECTION 3. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2016.

CITY OF MARYSVILLE

By _____
JON NEHRING, MAYOR

Attest:

By _____
APRIL O'BRIEN, DEPUTY CITY CLERK

Approved as to from:

By _____
JON WALKER, CITY ATTORNEY

Date of publication: _____
Effective Date (5 days after publication): _____

EXHIBIT A

6.60.060 Discharge of Firearms Prohibited

A. It is unlawful for any person to discharge any firearm in the city of Marysville, provided, that this prohibition does not apply to:

1. the discharge of firearms by a state or federal peace officer engaged in official duties;
2. the discharge of a firearm by military personnel engaged in official duties;
3. the discharge of a firearm at a licensed and permitted shooting range;
4. the discharge of a firearm authorized in writing by the chief of police and in conformance with all conditions imposed by the chief of police;
5. the discharge of a firearm to protect livestock or a domestic animal from another animal in conformance with RCW 16.08.020 or RCW 77.36.030; or
6. the discharge of a firearm in any circumstance where it is lawful to use force under RCW 9A.16.020 or RCW 9A.16.040, as now enacted or subsequently amended, or where homicide is justifiable under RCW 9A.16.050, as now enacted or subsequently amended.

B. A person may assert, as a defense to a charge under this section, any defense authorized by state law or the municipal code.

C. This section shall not abridge the right guaranteed by Article I, Section 24, of the State Constitution to bear arms.