

ORDINANCE NO. 2002-11-090

AN ORDINANCE AMENDING BELLINGHAM MUNICIPAL CODE SECTION 10.30.005 AND CREATING BELLINGHAM MUNICIPAL CODE SECTION 2.16.080 TO ADOPT AND IMPLEMENT STATE LAWS REGULATING THE CARRYING OF WEAPONS IN RESTRICTED AREAS.

WHEREAS, the City wishes to protect the health, welfare and safety of its citizens; and

WHEREAS, the Bellingham Municipal Court exercises jurisdiction over violations committed within the City limits of state criminal laws that have been adopted by reference in the Bellingham Municipal Code; and

WHEREAS, the City desires to adopt RCW 9.41.300, which regulates the carrying of weapons in certain areas of law enforcement facilities, court buildings, law enforcement facilities, jails, mental health facilities, and taverns, subject to certain exceptions for law enforcement, military, and security personnel, tavern owners and their employees; and

WHEREAS, the Bellingham Municipal Court has designated and marked the Bellingham Municipal Court Building as a weapons-free "restricted area" as required by RCW 9.41.300(1)(b); and

WHEREAS, RCW 9.41.300(1)(b) requires the City Council, the City's "legislative authority", to designate a method for checking weapons in the Bellingham Municipal Court Building,

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. Section 10.30.005 of the Bellingham Municipal Code shall be amended to read as follows:

10.30.005 - Adoption By Reference

The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference:

RCW 9.91.160	Personal protection spray device
RCW 9.41.270	Weapons apparently capable of producing bodily harm - Unlawful carrying or handling - Penalty - Exceptions
RCW 9.41.300	<u>Weapons prohibited in certain places - Local laws and ordinances - Exceptions - Penalty</u>

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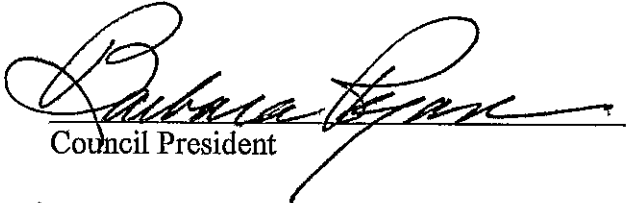
Section 2. A new section of the Bellingham Municipal Code, Section 2.16.080, shall be created and read as follows:

2.16.080 Weapons Check Procedure for Bellingham Municipal Court Building

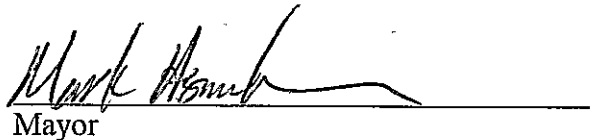
The City shall provide and maintain one or more stationary lock boxes, conforming to the requirements of RCW 9.41.300(1)(b), for the use of weapons owners visiting the Bellingham Municipal Court Building.

Section 3. The initial purchase of weapons lock boxes described in section 2 shall be paid for using funds previously appropriated in the Judicial and Support Services Budget for calendar year 2002.

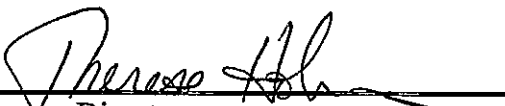
PASSED by Council this 25TH day of NOVEMBER, 2002.


Council President

APPROVED by me this 9TH day of December, 2002.


Mayor

ATTEST:


Finance Director

APPROVED AS TO FORM:


Office of the City Attorney

Published: DECEMBER 6, 2002

9.41.300. Weapons prohibited in certain places--Local laws and ordinances-- Exceptions--Penalty

(1) It is unlawful for any person to enter the following places when he or she knowingly possesses or knowingly has under his or her control a weapon:

(a) The restricted access areas of a jail, or of a law enforcement facility, or any place used for the confinement of a person (i) arrested for, charged with, or convicted of an offense, (ii) held for extradition or as a material witness, or (iii) otherwise confined pursuant to an order of a court, except an order under chapter 13.32A or 13.34 RCW.

Restricted access areas do not include common areas of egress or ingress open to the general public;

(b) Those areas in any building which are used in connection with court proceedings, including courtrooms, jury rooms, judge's chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings. The restricted areas do not include common areas of ingress and egress to the building that is used in connection with court proceedings, when it is possible to protect court areas without restricting ingress and egress to the building. The restricted areas shall be the minimum necessary to fulfill the objective of this subsection (1)(b).

In addition, the local legislative authority shall provide either a stationary locked box sufficient in size for pistols and key to a weapon owner for weapon storage, or shall designate an official to receive weapons for safekeeping, during the owner's visit to restricted areas of the building. The locked box or designated official shall be located within the same building used in connection with court proceedings. The local legislative authority shall be liable for any negligence causing damage to or loss of a weapon either placed in a locked box or left with an official during the owner's visit to restricted areas of the building.

The local judicial authority shall designate and clearly mark those areas where weapons are prohibited, and shall post notices at each entrance to the building of the prohibition against weapons in the restricted areas;

(c) The restricted access areas of a public mental health facility certified by the department of social and health services for inpatient hospital care and state institutions for the care of the mentally ill, excluding those facilities solely for evaluation and treatment. Restricted access areas do not include common areas of egress and ingress open to the general public; or

(d) That portion of an establishment classified by the state liquor control board as off-limits to persons under twenty-one years of age.

(2) Cities, towns, counties, and other municipalities may enact laws and ordinances:

(a) Restricting the discharge of firearms in any portion of their respective jurisdictions where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized. Such laws and ordinances shall not abridge the right of the individual guaranteed by Article I, section 24 of the state Constitution to bear arms in defense of self or others; and

(b) Restricting the possession of firearms in any stadium or convention center, operated by a city, town, county, or other municipality, except that such restrictions shall not apply to:

(i) Any pistol in the possession of a person licensed under RCW 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

(ii) Any showing, demonstration, or lecture involving the exhibition of firearms.

(3)(a) Cities, towns, and counties may enact ordinances restricting the areas in their respective jurisdictions in which firearms may be sold, but, except as provided in (b) of this subsection, a business selling firearms may not be treated more restrictively than other businesses located within the same zone. An ordinance requiring the cessation of business within a zone shall not have a shorter grandfather period for businesses selling firearms than for any other businesses within the zone.

(b) Cities, towns, and counties may restrict the location of a business selling firearms to not less than five hundred feet from primary or secondary school grounds, if the business has a storefront, has hours during which it is open for business, and posts advertisements or signs observable to passersby that firearms are available for sale. A business selling firearms that exists as of the date a restriction is enacted under this subsection (3)(b) shall be grandfathered according to existing law.

(4) Violations of local ordinances adopted under subsection (2) of this section must have the same penalty as provided for by state law.

(5) The perimeter of the premises of any specific location covered by subsection (1) of this section shall be posted at reasonable intervals to alert the public as to the existence of any law restricting the possession of firearms on the premises.

(6) Subsection (1) of this section does not apply to:

(a) A person engaged in military activities sponsored by the federal or state governments, while engaged in official duties;

(b) Law enforcement personnel; or

(c) Security personnel while engaged in official duties.

(7) Subsection (1)(a) of this section does not apply to a person licensed pursuant to RCW 9.41.070 who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises or checks his or her firearm. The person may reclaim the firearms upon leaving but must immediately and directly depart from the place or facility.

(8) Subsection (1)(c) of this section does not apply to any administrator or employee of the facility or to any person who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises.

(9) Subsection (1)(d) of this section does not apply to the proprietor of the premises or his or her employees while engaged in their employment.

(10) Any person violating subsection (1) of this section is guilty of a gross misdemeanor.

(11) "Weapon" as used in this section means any firearm, explosive as defined in RCW 70.74.010, or instrument or weapon listed in RCW 9.41.250.