

ORDINANCE NO. 2005-10-006

**AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON, AMENDING BELLINGHAM MUNICIPAL CODE TITLE 10.30 TO PROHIBIT THE POSSESSION, SALE, OR USE OF TASERS, STUN GUNS, AND SIMILAR ELECTRONIC OR ENERGY DEVICES OR WEAPONS.**

**WHEREAS**, electronic or energy type devices or weapons such as TASERS and stun guns are being marketed to the general public; and,

**WHEREAS**, public order, health, safety, and welfare dictates that the City regulate the sale, possession, and use of these electronic type devices or weapons; and,

**WHEREAS**, this Ordinance is enacted pursuant to the City's police powers and is in the best interests of the citizens of the City of Bellingham;

**NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**

**Section 1: Bellingham Municipal Code Section 10.30.005 is hereby amended 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 9.41.230	Aiming or discharging firearms, dangerous weapons
RCW 9.41.250	Dangerous weapons - Penalty
RCW 9.41.270	Weapons apparently capable of producing bodily harm - Unlawful carrying or handling - Penalty - Exceptions
RCW 9.41.300	Weapons prohibited in certain places - Local laws and ordinances - Exceptions - Penalty

**Section 2: Bellingham Municipal Code Section 10.30.010 is hereby amended as follows:**

**10.30.010 - Discharging Firearms**

- A.** It is unlawful to discharge a firearm within the City, except at indoor rifle ranges operated in accordance with the provisions of Section 17.20.070 of this code.
- B.** As used in this chapter, "firearm" means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.
- C.** It is unlawful to shoot, or otherwise cause the discharge of, a projectile from a bow, sling shot, BB gun or other device from which a projectile may be discharged by compressed air or gas, or spring power, unless such projectile is aimed at an inanimate target and does not strike a person,

bird, or animal, or land on public or private property other than property whose owner has given express permission for the discharge of the projectile on such property.

D. "Target", for purposes of this chapter, shall mean a device specially designed for shooting or target practice, and which is of sufficient size and design to stop the movement of projectiles aimed at it.

E. "Projectile", as used in this chapter, means an arrow, rock, BB or other solid object which is capable of striking and causing injury to a person, bird or animal if discharged from a device described in subsection C.

F. Any violation of this section is a misdemeanor.

**Section 3: Bellingham Municipal Code Section 10.30.020 is hereby added:**


**10.30.020 – Stun guns, TASERS and similar devices**

A. Possession, sale or use prohibited. It shall be unlawful for any individual, person, firm, corporation, or similar entity to sell, give, lend, rent, or otherwise transfer to any other individual, person, firm, corporation, or similar entity a stun gun, TASER, or similar electronic or energy device or weapon which, upon coming in contact with a person, is capable of inflicting injury or an electric or energy shock to such a person. It shall further be unlawful for any person to possess, fire, or discharge such electronic or energy device or weapon within the Bellingham City limits.

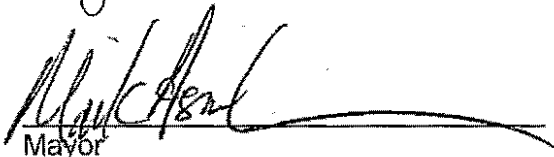
B. Exceptions. This section shall not apply to any member of the Bellingham Police Department or other authorized law enforcement officer while in the performance of his or her official duties or to any electronic or energy device or weapon designed solely and exclusively for animal control purposes.

C. Penalties. Any violation of this section is a misdemeanor.

PASSED by the Council this 10th day of January ~~200~~ 2005

  
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Council President

APPROVED by me this 14th day of Jan, 2005.

  
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Mayor

Attest:   
\_\_\_\_\_  
Finance Director

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Approved as to form:

  
Office of the City Attorney

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