

ORDINANCE NO. 2023-09-028

AN ORDINANCE ADOPTING STATE FIREARM REGULATIONS BY REFERENCE, PROHIBITING THE POSSESSION OF FIREARMS AT CITY OPERATED STADIUMS AND CONVENTION CENTERS, AND PROHIBITING THE POSSESSION OF FIREARMS AT CITY HALL

WHEREAS, the State of Washington fully occupies and preempts the entire field of firearms regulation within the boundaries of the state, including the registration, licensing, possession, purchase, sale, acquisition, transfer, discharge, and transportation of firearms, or any other element relating to firearms or parts thereof, including ammunition and reloader components; and

WHEREAS, cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to firearms that are specifically authorized by state law, as in RCW 9.41.300, and are consistent with Chapter 9.41 RCW; and

WHEREAS, the people of the State of Washington approved initiative measure no. 1639 (I-1639) in November 2018 which added new regulations to Chapter 9.41 RCW; and

WHEREAS, the City of Bellingham has not yet adopted by reference the firearm regulations approved by the voters under I-1639; and

WHEREAS, state law, RCW 9.41.300(3), specifically authorizes the City Council to adopt an ordinance restricting the possession of firearms in any stadium or convention center, operated by a city, town, county, or other municipality, subject to limited exceptions; and

WHEREAS, recent events involving the possession of firearms at a city-operated stadium underscore the need to prohibit the possession of firearms in these types of public facilities where large crowds routinely gather; and

WHEREAS, the Washington State Legislature recently amended RCW 9.41.305 to make it unlawful for any person to knowingly open carry a firearm or other weapon while being in city, town, county, or other municipality buildings used in connection with meetings of the governing body of the city, town, county, or other municipality, or any location of a public meeting or hearing of the governing body of a city, town, county, or other municipality during the hearing or meeting; and

WHEREAS, Mayor Fleetwood has directed the Public Works Department to post signs providing notice of the restriction on the possession of firearms and other weapons under RCW 9.41.305 at all locations, including City Hall, where the possession of firearms is prohibited; and

WHEREAS, citations issued by Bellingham Police Department officers for the alleged violation of State firearm regulations within the City were referred to Whatcom County District

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Court for prosecution because those regulations have not been adopted by reference in the Bellingham Municipal Code; and

WHEREAS, Council must adopt the State firearm regulations by reference before alleged violations of them may be prosecuted by the City Attorney's Office in Bellingham Municipal Court,

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Sec. 1. BMC 10.30.005 Adoption by Reference is amended to read as follows:

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

RCW

9.41.050 Carrying Firearms

9.41.230 Aiming or discharging firearms, dangerous weapons

9.41.240 Possession of pistol or semiautomatic assault rifle by person from eighteen to twenty-one.

9.41.250 Dangerous weapons – Penalty

9.41.280 Possessing dangerous weapons on school facilities – Penalty- Exceptions

9.41.282 Possessing dangerous weapons on child care premises – Penalty – Exceptions

9.41.284 Possessing dangerous weapons at voting facilities – Penalty - Exceptions

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

9.41.305 Open carry of weapons prohibited on state capitol grounds and municipal buildings

9.41.360 Unsafe storage of a firearm

9.41.370 Large capacity magazines – Exception - Penalty

9.91.160 Personal protection spray device

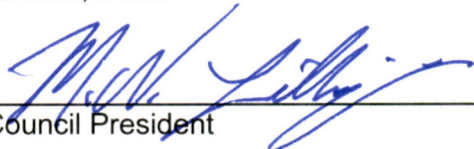
NEW SECTION. **Sec. 2.** A new section is added to Chapter 10.30 BMC to read as follows:

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It shall be unlawful for any person to knowingly open carry a firearm or other weapon in any stadium or convention center operated by the City including, but not limited to, Civic Stadium and Joe Martin Stadium. This prohibition 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.

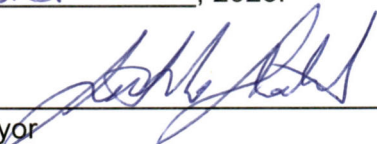
Any person violating the provisions of this section shall be guilty of a gross misdemeanor.

PASSED by the Council this 25th day of September, 2023.



Council President

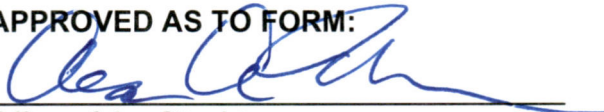
APPROVED by me this 11 day of October, 2023.



Mayor

ATTEST: 

Finance Director

APPROVED AS TO FORM: 

Office of the City Attorney

Published:

September 29, 2023



Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee

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Attention: E-Tearsheet

CITY OF BELLINGHAM FINANCE DEPT
210 LOTTIE ST
BELLINGHAM, WA 982254009

kngoetz@cob.org

City of Bellingham Ord. #2023-09-026

An Ordinance Amending the Cornwall Park Neighborhood Area 7 Institutional Master Plan.

City of Bellingham Ord. #2023-09-027

An Ordinance Amending the 2023-2024 Biennial Budget - Amendment No. 8.

City of Bellingham Ord. #2023-09-028

An Ordinance Adopting State Firearm Regulations by Reference, Prohibiting the Possession of Firearms at City Operated Stadiums and Convention Centers, and Prohibiting the Possession of Firearms at City Hall.

City of Bellingham Ord. #2023-09-029

An Ordinance Repealing the City's Street Vacation Policies and Procedures in BMC Chapter 13.48, Adopting New City Street Vacation Policies and Procedures in BMC Chapter 13.50, and Amending BMC 1.26.050 to Reflect that the City Council's Decision on a Street Vacation is a Legislative Matter.
IPL0141482
Sep 29 2023

Stefani Beard, being duly sworn, deposes and says: That he/she is the Principal Clerk of The Bellingham Herald, a daily newspaper printed and published in Bellingham, Whatcom County, State of Washington, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of six months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Bellingham Herald, as amended, for:

1 insertion(s) published on:

09/29/23

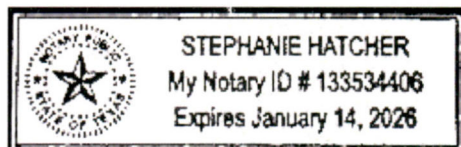
Stefani Beard

(Principal Clerk)

Subscribed and sworn on this 29th day of September in the year of 2023 before me, a Notary Public, personally appeared before me Stefani Beard known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in Dallas County



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