

# BOARD OF YAKIMA COUNTY COMMISSIONERS

## ORDINANCE 7-2010

AN ORDINANCE RELATING TO THE POSSESSION OF FIREARMS IN COUNTY PARKS, AT OUTDOOR FESTIVALS, AND AT OTHER OCCASIONAL AMUSEMENTS, SPORTING EVENTS, OR SHOWS; AMENDING YAKIMA COUNTY CODE 8.10.170, 11.40.500; REPEALING YAKIMA COUNTY CODE 5.16.090

WHEREAS, RCW 9.41.290 provides that the State of Washington fully occupies and preempts the entire field of firearms regulation within the boundaries of the state; and,

WHEREAS, RCW 9.41.290 further provides that counties 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, it is come to the attention of the Board of Yakima County Commissioners that certain provisions of the Yakima County Code prohibiting the possession of firearms in county parks, at outdoor festivals, and at circuses, carnivals, rodeos, animal shows and rides, and other occasional amusements, sporting events, or shows are inconsistent with the state statutes cited above; and,

WHEREAS, the Board finds it is appropriate amend or repeal the sections of the County Code that are inconsistent with the state's statutory scheme of preemption; now, therefore,

BE IT ORDAINED, by the Board of Yakima County Commissioners as follows:

### **Section 1:**

Yakima County Code 8.10.170 is hereby amended to read as follows:

#### **8.10.170 Firearms – Penalty**

(1) It is unlawful for any person, except law enforcement officers, to carry, transport or convey, or to have in his possession or under his control, any firearm while on the site of an outdoor music festival, as defined and regulated by Chapter 70.108 RCW.

(2) Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less that one hundred dollar and not more than two hundred dollars or by imprisonment in the county jail for at least ten days and not more than ninety days or by both such fine and imprisonment.

### **Section 2:**

Yakima County Code 11.04.500 is hereby amended to read as follows:

#### **11.04.500 Firearms**

No person shall discharge across, in, or into any Yakima County park area a firearm, bow and arrow, or air or gas operated weapon, or any device capable of injuring or killing any person or animal, or damaging or destroying any public or private property, except where the department for good cause has authorized a special recreational firearm activity upon finding that it is not consistent with Yakima County park use and such use is confined to a designated area so posted for such use.

#### **Section 3:**

Yakima County Code 5.16.090 is hereby repealed.

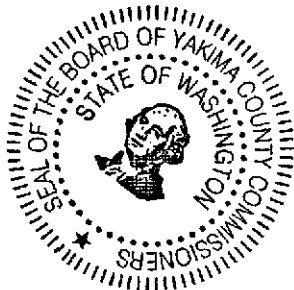
#### **Section 4:**

#### **Effective Date**

This ordinance shall be effective immediately upon adoption by the Board of County Commissioners.

**DONE** this 7<sup>th</sup> day of September 2010.

#### **BOARD OF YAKIMA COUNTY COMMISSIONERS**



Attest:

Tiera L. Girard, Acting Clerk of the Board

Michael D. Leita, Chairman

Kevin J. Bouchey, Commissioner

**Excused**

**J. Rand Elliott, Commissioner**

*Constituting the Board of County Commissioners  
for Yakima County, Washington*