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Title 9 PUBLIC SAFETY

Chapters:

Chapter 9.05 RESERVED¹

Chapter 9.41 FIREARMS

Sections:

9.41.010 EXEMPTION.

All unincorporated areas of Wahkiakum County, Washington, are exempted from the prohibition of subsection (4) of Section 405, Chapter 7, First Special Session, Washington Laws of 1994, and from the prohibition contained in RCW 9.41.050(4).

(Ord. 120-94 § 1)

Chapter 9.42 FIREARM RESTRICTION AREAS

Sections:

9.42.010 PURPOSE.

The purpose of the ordinance codified in this chapter is to adopt a procedure for the establishment of areas within unincorporated Wahkiakum County where the discharge of firearms is restricted pursuant to the authority granted to counties under RCW 9.41.300(2)(a) as now enacted or hereafter amended. The Board of County Commissioners may establish such firearm restriction areas upon making a finding, after public hearing, that there is a reasonable likelihood that humans, domestic animals, or property, will be jeopardized by the discharge of firearms within such areas.

(Ord. 129-99 § 1)

9.42.020 PROCEDURE FOR ESTABLISHMENT OF FIREARM RESTRICTION AREAS.

- A. The residents of any specifically defined area within unincorporated Wahkiakum County may request the establishment of a firearm restriction area by submitting to the Board of County Commissioners a legally executed petition bearing the signatures of over fifty percent of the area's property owners.
- B. The Board of County Commissioners of Wahkiakum County may at its own discretion establish a firearm restriction area in the execution of the policies set forth in this chapter.

¹Editor's note(s)—Due to the past fifty years' constitutional jurisprudence, provisions codified herein as Ch. 9.05, §§ 9.05.010—9.05.070, pertained to County Curfew, have been deemed unlikely to be enforceable and therefore, have been deleted by Ord. No. 163-17, adopted May 16, 2017.

- C. Firearm restriction areas shall be established by ordinance duly adopted by the Board of County Commissioners after notice and hearing as required by RCW 36.32.120(7) as now enacted or hereafter amended.
- D. No firearm restriction area shall be established unless the Board of County Commissioners finds that without such firearm restriction area there exists a reasonable likelihood that humans, domestic animals, or property will be jeopardized.
- E. Upon adoption, every ordinance establishing a firearm restriction area shall be filed with the Wahkiakum County Auditor's Office and with the Wahkiakum County Sheriff's Office and said ordinances shall be available for public inspection at those offices.

(Ord. 129-99 § 2)

9.42.030 DEFINITIONS.

Certain words and phrases used in this chapter, unless otherwise clearly indicated by their context, shall have the following meaning:

"Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder.

"Person" means an individual, firm, partnership, corporation or association.

(Ord. 129-99 § 3)

9.42.040 RULES GOVERNING FIREARM RESTRICTION AREAS.

Unless the ordinance creating a particular firearm restriction area specifically provides to the contrary, the following rules shall govern firearm restriction areas:

- A. It is unlawful to discharge any firearm within or into a firearm restriction area, except under the following conditions and circumstances:
 - 1. A person owning or renting real property located in a firearm restriction area may discharge on such owned or rented property a handgun, or a rifle of .22 caliber or less, or a shotgun using a birdshot load only.
 - 2. Any person may discharge a firearm within a firearm restriction area whenever reasonably necessary to exercise the right of self-defense or defense of another person as that right is defined under the Constitution and the laws of the state of Washington.

(Ord. 129-99 § 4)

9.42.050 PENALTY.

Any violation of the provisions of Section 9.42.040 of this chapter shall be a misdemeanor and shall be punishable by a fine not to exceed One Thousand Dollars or by imprisonment in the County Jail for not more than ninety days, or by both such fine and imprisonment.

(Ord. 129-99 § 5)

ELOCHOMAN VALLEY FIREARM RESTRICTION AREA

9.42.060 FINDING OF NECESSITY.

The Board of County Commissioners of Wahkiakum County does find that without the creation of the Elochoman Valley firearm restriction area as described in Section 9.42.070 of this chapter, there exists a reasonable likelihood that humans, domestic animals, or property will be jeopardized within the area constituting said Elochoman Valley firearm restriction area.

(Ord. 130-99 § 1)

9.42.070 ELOCHOMAN VALLEY FIREARM RESTRICTION AREA ESTABLISHED.

A firearm restriction area, to be known as the Elochoman Valley firearm restriction area, is hereby established in that portion of Wahkiakum County lying within the following described area:

Beginning at the point where the Elochoman River intersects Elochoman Valley County Road (Section 31, Township 9 North, Range 5 West W.M.) which point is commonly referred to as "Kent's Bridge", thence upstream along the center of the Elochoman River continuing through Sections 31, 32, 29, 20, 21, 16, 15, and 10, Township 9 North, Range 5 West of the Willamette Meridian, to the point where Rock Creek intersects with the Elochoman River (the mouth of Rock Creek); thence upstream in a Northerly direction along the center of Rock Creek to the point where Elochoman Valley County Road crosses and intersects Rock Creek near the section line between Sections 10 and 11, Township 9 North, Range 5 West of the Willamette Meridian; thence Southwesterly along the centerline of Elochoman Valley County Road continuing through Sections 10 and 15, Township 9 North, Range 5 West of the Willamette Meridian to the point in said Section 15 where Elochoman Valley County Road intersects the former railroad grade commonly known as the Old Crown Zellerbach Mainline Road; thence West and South along the centerline of the said Old Crown Zellerbach Mainline Road continuing through Sections 15, 16, 17, 20, 29, 32, and 31, Township 9 North, Range 5 West of the Willamette Meridian to the point where the Old Crown Zellerbach Mainline Road intersects Elochoman Valley Road in said Section 31 (in the vicinity of the old Howe Truss railroad bridge); thence West and South along the

centerline of Elochoman Valley County Road continuing through Section 31, Township 9 North, Range 5 West of the Willamette Meridian to the point where the Elochoman River intersects Elochoman Valley County Road in Section 31 at Kent's Bridge, which is the place of beginning; and within an area one thousand feet distant from all boundaries hereinabove described.

(Ord. 130-99 § 2)

9.42.080 DISCHARGE OF FIREARMS PROHIBITED WITHIN ELOCHOMAN VALLEY FIREARM RESTRICTION AREA—EXCEPTIONS.

- A. It is unlawful to discharge any firearm within or into the Elochoman Valley firearm restriction area, except under the following conditions and circumstances:
 - 1. A person owning or renting real property located in the Elochoman Valley firearm restriction area may discharge on such owned or rented property a handgun, or a rifle of .22 caliber or less, or a shotgun using a birdshot load only.

2. Any person may discharge a firearm within the Elochoman Valley restriction area whenever reasonably necessary to exercise the right of self-defense or defense of another person as that right is defined under the Constitution and the laws of the state of Washington.
- B. For purposes of this chapter, "firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder.

(Ord. 130-99 § 3)

9.42.090 PENALTY.

Any violation of the provisions of Section 9.42.080 of this chapter shall be a misdemeanor and shall be punishable by a fine not to exceed One Thousand Dollars, or by imprisonment in the County Jail for not more than ninety days, or by both such fine and imprisonment.

(Ord. 130-99 § 4)

Chapter 9.94 COLLECTION OF LEGAL FEES FOR SUPERIOR COURT

Sections:

9.94.010 COLLECTION OF LEGAL FEES FOR SUPERIOR COURT.

- A. The Wahkiakum County Clerk is authorized to assess offenders the sum of One Hundred Dollars per year for the cost of collection of court-ordered legal financial obligations.
- B. The Wahkiakum County Clerk, in the Clerk's discretion, is authorized to exempt or defer payment of all or part of the collection fee established based upon any of the factors listed in subsection (1) of RCW 9.94A.780, as now or hereafter amended.
- C. The collection fee established herein shall have priority over all other court-ordered legal financial obligations.

(Res. 137-03)

9.94.020 ELECTRONIC RECORDS ACCESS FEE.

The Wahkiakum County Clerk shall collect an annual fee from applicants seeking electronic access to superior court documents.

(Res. No. 166-18, § 1, 8-7-18; Ord. No. 170-23, § 1, 10-17-23)

9.94.030 FEE AMOUNTS AUTHORIZED.

- A. The Wahkiakum County Clerk shall charge for access as follows:
 1. For a single individual or any partnership, corporation, or other entity comprising three or fewer natural persons, one hundred dollars (\$100.00) annually.
 2. For any partnership, corporation, or other entity comprising or employing four to six natural persons, two hundred fifty dollars (\$250.00) annually.
 3. For any partnership, corporation, or other entity comprising or employing seven to ten (10) natural persons, five hundred dollars (\$500.00) annually.

4. For any partnership, corporation, or other entity comprising or employing more than ten (10) natural persons, six hundred dollars (\$600.00) annually.
- B. Annual fees shall be prorated in whole months if service starts after February 1. After the initial purchase, all renewals shall be billed in January, and the entire annual fee for that calendar year shall be due and payable upon billing.

(Res. No. 166-18, § 1, 8-7-18; Ord. No. 170-23, § 2, 10-17-23)

9.94.040 PROCEDURES.

The Wahkiakum County Clerk shall adopt appropriate procedures for the collection of the fee set out in RCWC 9.94.020, supra.

(Res. No. 166-18, § 1, 8-7-18)

9.94.050 AUTHORITY.

The Wahkiakum County Clerk shall have the authority to approve and sign access agreements with those desiring access to electronic superior court records.

(Res. No. 166-18, § 1, 8-7-18)

9.94.060 PROVISIO.

The Board of County Commissioners neither intends nor authorizes the Wahkiakum County Clerk to provide any person or entity access to court records to which such person or entity would not otherwise be legally entitled.

(Res. No. 166-18, § 1, 8-7-18)