

ORDINANCE NO. 2009-06-036

AN ORDINANCE ADDING A NEW CHAPTER 6.34 TO THE BELLINGHAM MUNICIPAL CODE TITLE 6, FIREARMS RETAIL ESTABLISHMENTS, AND ESTABLISHING A REQUIREMENT THAT FIREARMS RETAIL ESTABLISHMENTS SHALL NOT BE LOCATED WITHIN 500 FEET OF THE PROPERTY LINE OF A SCHOOL

WHEREAS the safety of all our citizens, and especially the most vulnerable such as children, is a paramount duty of the City of Bellingham; and

WHEREAS The Revised Code of the State of Washington 9.41.300 explicitly enables municipalities to create a 500 foot buffer protecting schoolchildren from possible problems resulting from the nearby sale of firearms; and

WHEREAS a report of firearms on or near a school can cause full mobilization of the Bellingham Police and Fire departments and a school "lockdown," with attendant spread of fear among schoolchildren and expenditures of thousands of city dollars and tying up of police and fire resources best used elsewhere;

THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. A new Bellingham Municipal Code Chapter 6.34 is adopted to read as follows:

6.34.010 Firearms Retail Establishments Regulatory License and Requirements

- A. A firearms retail establishments regulatory license is required for all firearms retail establishments established within the City of Bellingham after the effective date of this ordinance, and for existing firearms retail establishments relocating their business after the effective date of this ordinance. In order to conduct business lawfully within City limits, a firearms retail establishment established or relocated after the effective date of this ordinance selling firearms at retail shall obtain a regulatory license, the conditions of which include in total signing an affidavit, on a form provided by the City, acknowledging that the recipient is aware of the existence of a 500 foot zone around schools within which it is prohibited to locate a retail establishment selling firearms, and that the location where a licensee proposes to locate such an establishment is not within such a zone. The Revised Code of the State of Washington 9.41.300 explicitly enables municipalities to prohibit the sale of firearms within 500 feet of a school. The conditions regulating the location of such stores are stated in additional detail in section B below.
- B. A 500 foot zone around school is hereby created wherein the location and operation of retail establishments selling firearms is prohibited. No commercial retail establishment shall be located within a distance of five hundred (500) feet from the outside property line of a school if the business offers firearms for sale, has a storefront, has hours during which it is open for business, and posts advertisements

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or signs observable to passersby that firearms are available for sale, unless such establishment was lawfully conducting business at the same location as of the effective date of this ordinance, or the school was established after the firearms retail establishment was licensed at that location. If conditions and procedures apply allowing for lapse of grandfather status to a business selling firearms that is located within 500 feet of a school, these shall be consistent with conditions or procedures outlined in Bellingham Municipal Code 20.14.030 for a lapse in grandfather status for other types of businesses in the city.

- C. A retail establishment with an active application for a firearms dealer license that is complete and in process with the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives on the effective date of this ordinance shall be considered an existing firearms retail establishment for purposes of this Chapter.

6.34.020 Definitions Specific to this Chapter

"School" is defined as an institution of learning, primary or secondary, whether public or private, which offers instruction in those courses of study required by the Washington Education Code or which is maintained pursuant to standards required by the State Board of Education.

6.34.030 Penalties

A violation of any provision of this chapter shall be considered an infraction, punishable by a fine not to exceed \$1000. Each day upon which such violation shall occur or upon which such violation shall continue shall constitute a separate offense.

6.34.040 Severability

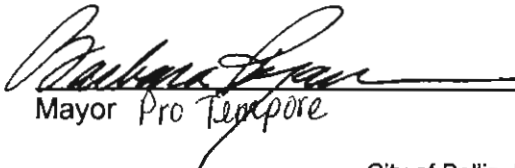
If any provision of this Ordinance or its application to any person, entity, or circumstance is held invalid, the remainder of this Ordinance or the application of the provision to other persons, entities, or circumstances shall not be affected.

PASSED by the Council this 15th day of June, 2009.



Council President

APPROVED by me this 25th day of June, 2009.



Mayor Pro Tempore

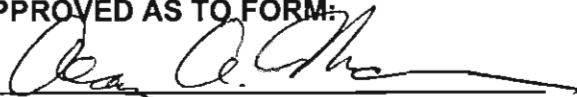
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ATTEST:



Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

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