

ORDINANCE NO. 926

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO BUSINESS LICENSING AND OPERATION OF SHOOTING SPORTS FACILITIES, REQUIRING LICENSING, ESTABLISHING OPERATING STANDARDS, A COMPLAINT, HEARING AND APPEALS PROCESS, THE PROCEDURE FOR THE CITY TO HIRE CONSULTANTS AND INVESTIGATORS IN ORDER TO IMPLEMENT THE LICENSING PROCEDURES, ESTABLISHING PENALTIES, AND A SUSPENSION/ REVOCATION PROCEDURE FOR VIOLATIONS, ADDING A NEW CHAPTER 5.12 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the City of Gig Harbor may exercise authority to license and revoke licenses for cause, to regulate, make inspections and impose excises for regulation or revenue in regard to all places and kinds of businesses, production, commerce, entertainment, occupations, trades and professions (RCW 35A.82.020); and

WHEREAS, the City may only grant a license for a period of one year (RCW 35A.82.020); and

WHEREAS, the City Council has the authority to adopt and enforce ordinances of all kinds relating to and regulating local affairs and appropriate to the good government of the City (RCW 35A.11.020); and

WHEREAS, the Gig Harbor SEPA Responsible Official has reviewed this Ordinance and determined that it is exempt from SEPA, pursuant to WAC 197-11-800(20);

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. A new chapter 5.12 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

**CHAPTER 5.12
SHOOTING SPORTS FACILITIES**

Sections:

5.12.020	Definitions
5.12.040	License required
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5.12.020 Definitions. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein.

A. "Administrator" means the Administrator of the City of Gig Harbor, or his/her designee.

B. "Public Safety Authority" means the Gig Harbor Police Department and Pierce County Fire District No. 5, or delegate agencies as named by the Gig Harbor Police Chief or the Gig Harbor Fire Marshal.

C. "Operator" means the operating license applicant, and any of its officers, directors, partners, or owners.

D. "Range" means any individual or group of firing positions for a specific shooting type.

E. "Range Master" or "Range Officer" means a person or persons trained and appointed by the operators of a shooting sports facility to oversee the safe discharge of shotguns, rifles or handguns in accordance with the safety specifications of this chapter and any additional safety specifications that may be adopted by the operators of the shooting sports facility. Range Masters and/or Range Officers shall complete the necessary training and obtain certification from the National Rifle Association to be a Range Master/Officer.

F. "Shooting Sports Facility" means an indoor or outdoor facility designed and specifically delineated for safe shooting practice with firearms, whether open to the public, open only to private membership, open to organizational training such as law enforcement, or any combination of the above. Archery ranges are specifically excluded from this definition. The term "shooting sports facility" also does not include any portion of a private residence or private residential lot that is used by the residents thereof for shooting practice.

G. "Shooting types" means rifle, handgun, airgun, or shotgun shooting.

5.12.040 License required.

A. An operator of an existing or new shooting sports facility shall demonstrate that he or she has the general qualifications for a business licensee, as set forth in GHMC Section 5.01.070.

B. The operators of all existing shooting sports facilities shall apply for an operating license no later than six months from the effective date of this chapter. If an operating shooting facility is annexed to the City of Gig Harbor, the shooting facility operator shall apply for an operating license no later than six months from the effective date of the annexation.

C. The operator of each new shooting sports facility shall apply for an operating license at the time of application for building permits or land use permits necessary for the new facility.

5.12.060 Application procedure.

A. In addition to the application procedures set forth in GHMC Section 5.01.080, the following procedures shall be followed for shooting sports facilities.

B. The application shall be made on a form prescribed by the Administrator, and shall include all of the following information:

1. The name, address and telephone number of the person completing the application;

2. The name, address and telephone number of the facility;

3. The names, addresses, and telephone numbers of all owners of the facility. If the owner is a partnership, the names, addresses and telephone numbers of all partners. If the owner is a corporation, the names, addresses and telephone numbers of all corporate officers;

4. The name, address and telephone number of a designated contact person to whom all licensing correspondence, including any notices and complaints provided for in this chapter, shall be sent. It is the responsibility of the shooting sports facility to keep this contact information updated in writing throughout the duration of any license and the owners and operators agree, by submitting an application and obtaining a license, that notice to the contact person at the last address provided to the Administrator in writing is proper notice to the owners and operators of the facility;

5. The shooting types allowed or proposed to be allowed at the facility;

6. The names, addresses and telephone numbers of all persons proposed to serve as designated range masters in compliance with GHMC Section 5.12.180(G);

7. The days of the week and the hours of operation that the facility is or is proposed to be open, demonstrating compliance with this Chapter;

8. Whether use of the facility will be open to the public, open only to private membership, open to organizational training such as law enforcement, or any combination of the above;

9. The site plan required by GHMC 5.12.180(C) and prepared by a licensed surveyor, showing the location of all buildings, parking areas and access points; safety features of the facility; elevations of any outdoor range showing target areas, or backdrops, and the approximate location of buildings on adjacent properties. Any shooting sports facility in operation prior to the passage of this ordinance may, when applying for the license required by Chapter 5.12, have an additional two (2) years to comply with section 5.12.060 (B9) as long as at the time of application they provide a site plan as set forth in section 5.12.180 (C).

10. The notarized certification required by subsection (C) of this Section;

11. The operations plans required by GHMC Section 5.12.180(D);

12. The applicant shall also pay the non-refundable application fee and license fee established by this chapter at the time of application; and

13. Proof of liability insurance coverage in the amount required by GHMC Section 5.12.180(T) shall be submitted with the license application.

C. Every application for a shooting sports facility operating license shall be accompanied by a notarized certification by the shooting sports facility operator that the facility complies with this Chapter, meets commonly accepted shooting facility safety and design practices, and will be operated in a manner that protects the safety of the general public.

D. This chapter shall not apply to shooting sports facilities owned and operated by any instrumentality of the United States, State of Washington, or a political subdivision of the State of Washington.

5.12.080 License approval or denial.

A. In addition to the general procedures in chapter 5.01 GHMC and Section 5.01.120, the following procedures will govern approval or denial of licenses for shooting sports facilities.

B. When the Administrator receives a complete application, the Administrator will forward copies of the same to the Public Safety Authority, the City Planning and Public Works Departments, and any other City department or City personnel deemed appropriate by the Administrator in order to determine whether the shooting sports facility meets the requirements of this chapter and any other applicable City ordinance or regulation. Each consulted department or staff member shall review the application for compliance with regulations administered by that department or staff member and chapter 5.01 GHMC and shall forward a report to the Administrator containing the results of that review.

C. By applying for and as a condition of issuance of a shooting sports facility operating license, the shooting sports facility operator agrees to permit representatives of the Public Safety Authority and any other appropriate City personnel to enter the facility at all reasonable times in order to perform site inspections in regard to licensure, complaints, incidents, or any public safety concerns. Prior notification of such inspections will be to the operator when reasonably possible.

D. The Administrator shall issue a shooting sports facility operating license after a determination that the facility meets the requirements of this chapter, all applicable provisions of chapter 5.10 GHMC, any other applicable City ordinances/resolutions and State law. Notification of the applicant of the Administrator's decision will take place as provided in GHMC Section 5.01.120.

5.12.100 Effect of License approval.

A. The shooting sports facility operating license issued under this chapter shall authorize only those shooting types that have been specifically applied for and that are identified in the license. The addition of new shooting types or the addition of a new range or ranges for existing shooting types at a shooting sports facility shall require amendment of the existing license before any such new shooting type is allowed. Amendment of the existing license shall follow the same procedures set forth in this chapter for initial license application approval.

B. The list of designated range masters may be changed at any time without requiring a license amendment. Whenever a change is made to the list of range masters, a revised list must be filed with the Administrator within thirty days of the date of any change.

C. Issuance of a license under this chapter shall not relieve the applicant of any obligation to obtain any other required land use, fire safety, or building permits or approvals, except shooting sports facilities in operation prior to the effective date of this chapter shall not be required to seek new land use, fire safety or building permits solely for issuance of a license.

D. All facilities licensed under this chapter must conform to or abide by all City business license requirements as described in chapter 5.01 GHMC.

5.12.120 Operating without a license prohibited.

A. No shooting sports facility shall operate without a license issued pursuant to this chapter; PROVIDED, that shooting sports facilities operating on the effective date of this chapter that have submitted required license applications before the date required herein may continue to operate without a City of Gig Harbor shooting sports facility license pending approval or denial of the license application. However, all such operation shall be conducted in compliance with this chapter and all applicable law. Such operation shall cease upon denial of the license application and if appealed, as provided by law.

B. If a shooting sports facility operating under a valid Pierce County shooting sports facility permit or license is annexed to the City of Gig Harbor, it may continue to operate, only if an application for a City license is submitted to the City as provided above. Once annexed, the shooting sports facility shall operate in compliance with this chapter and all applicable law.

5.12.140 Denial, suspension or revocation of license.

A. Any denial, suspension or revocation of a license applied for or issued under this chapter shall follow the procedures set forth in GHMC Section 5.01.120 and 5.01.130.

B. If determined through police or state agency investigation that any participant, spectator, neighboring property or member of the public has been injured or endangered as a result of range design, operation or management of shooting activities or that rounds shot at the facility have escaped the property on which the shooting sports facility is located, then the Administrator may immediately suspend or revoke any shooting sports facility license issued pursuant to this chapter. Reinstatement or re-issuance of any license suspended or revoked pursuant to the provisions of this chapter will be contingent on review and determination by the Administrator that the shooting sports facility operator has

made sufficient and appropriate modifications to the design or operation of the facility to reasonably address the specific deficiencies found to have contributed to the injury, endangerment, or escaped rounds.

5.12.160 License Renewal.

A. An initial shooting sports facility operating license shall be valid upon issuance and shall continue in effect for a period of one year from the date on which it is issued, unless suspended or revoked as provided in this Chapter.

B. Renewals shall be made as provided in GHMC Section 5.01.090, except the process for renewal of a shooting sports facility shall be the same as for an initial application; PROVIDED that the City shall not require that the applicant pay for consultants or investigators to review the renewal application or inspect the facility unless (1) the applicant is proposing changes to the facility, the facility site plan, the required operations plan, or the allowed shooting types as part of the license renewal or (2) the administrator determines that inspection or review by consultants is required in order to verify compliance with changes in state, federal or local laws pertaining to the shooting sports facility or its operation, or (3) there was a final determination by the Administrator or a court during the expiring term of the license, that the shooting sports facility violated any provision of this Chapter during such term, as the result of the facility's design, construction, operation or maintenance.

5.12.180 Operating standards and specifications. All shooting sports facilities licensed under this Chapter shall comply with the following operating standards and specifications:

A. All structures, installations, operations and activities shall be located at such a distance from property lines as will protect off-site properties from hazards, when the ranges are used in accordance with range safety rules and practices.

B. Range site design features and safety procedures shall be installed and maintained to prevent errant rounds from escaping all shooting positions, when such positions are used in accordance with range safety rules and practices.

C. A site plan shall be submitted with the license application which shows the location of all buildings, parking areas and access points; safety features of the firing range; elevations of the range showing target area, backdrops or butts; and approximate location of buildings on adjoining properties. The site plan shall also include the location of all hazardous material storage and use locations. Such locations shall be keyed to inventories identified in a Hazardous Materials Inventory Statement or Hazardous Materials Management Plan, whichever is called for by the Gig Harbor Fire Code, based upon the quantities identified by the Fire Code permit application.

D. An operations plans shall be submitted that includes the rules for each range, sign-in procedures, and restrictions on activities in the use of ranges. Every operations plan shall prohibit loaded firearms except as provided by the range safety specifications and operating procedures.

E. A management standard operating procedures book shall be maintained that includes procedures for operations, maintenance and lead management and recovery. The management guidebook shall be kept on site and shall be accessible at all times to those using the shooting sports facility.

F. The shooting sports facility, its plans, rules, procedures and its management and staff shall comply with the applicable safety guidelines and provisions in the latest edition of "the Range Source Book" (National Rifle Association of America: Fairfax, Virginia) or its successor, as appropriate to the type of facility involved.

G. All shooting sports facilities shall have a designated range master /officer or masters. A designated range master /officer must be present whenever the shooting sports facility is open for shooting activities and may oversee as many as three simultaneous events within a shooting sports facility. The range master /officer shall be trained in shooting safety, the safe operation of shooting sports facilities, first aid, and the facilities' emergency response procedures.

H. Warning signs shall be installed and maintained along the shooting sports facility property lines. Such signs shall be posted a minimum of every 100 feet along the property lines.

I. Shooting sports facilities shall be used for the shooting activities they were designed to accommodate unless redesigned to safely accommodate new shooting activities.

J. The shooting sports facility operator shall report in writing to the Gig Harbor Police Department all known on-site and off-site gunshot wounds resulting from activity at the shooting sports facility and any measures that are proposed to address any deficiencies that may have contributed to the wounds. The report shall be made within forty-eight hours after the existence of the gunshot wounds or wounds becomes known to the operator. The Gig Harbor Police Department will forward such information to the Administrator for consideration in connection with any licensing action.

K. The shooting sports facility operator shall report in writing to the Gig Harbor Police Department all known rounds that escape from the property on which the shooting sports facility is located and any measures that are proposed to address any deficiencies that may have contributed to the errant rounds. The report shall be made immediately after the existence of an alleged or acknowledged escaped round or rounds becomes known to the operator. The Gig Harbor Police

Department will forward such information to the Administrator for consideration in connection with any licensing action.

L. All shooting sports facilities shall provide an operating telephone available to range participants and spectators for the purpose of contacting emergency medical services.

M. A first aid kit containing the items recommended by a certified expert in emergency medical treatment shall be readily available at each shooting sports facility for emergency treatment or care of minor injuries.

N. Storage and handling of explosive materials, including ammunition when applicable, shall be in accordance with the Gig Harbor Fire Code. Unless exempt, storage and handling shall be by a permit issued pursuant to the Gig Harbor Fire Code.

O. All shooting sports facilities shall comply with and abide by the City's Noise regulations (chapter 9.34 GHMC). The hours of operation of any outdoor shooting sports facility shall be as follows:

Monday, Wednesday, Friday	8 a.m. to 6 p.m.
Tuesday, Thursday	8 a.m. to 9 p.m.
Saturday	10 a.m. to 6 p.m. Closed to shotgun activities (open to rifle/pistol)
Sunday	9 a.m. to 5 p.m.

In addition, shooting activities shall be allowed ten (10) full weekends a year, if the sports shooting facility submits a application for these "special event shoots" to the City, which will be allowed only when the special event shoot permit application is for a weekend of shooting following a weekend of no activity (closed on Saturday and Sunday to shooting activities), and the special event shoot may occur only during the following hours:

Saturday	8 a.m. to 6 p.m.
Sunday	9 a.m. to 6 p.m.

P. The range master/officer on duty shall ensure that no person engaged in any shooting activities or near any shooting activities consumes ~~ne~~ alcohol or is intoxicated with alcohol or any other substance.

Q. The use of steel targets at a shooting sports facility is strictly prohibited. See GHMC Section 5.12.100(A) regarding licensing requirements applicable to different types of shooting activities.

R. No fully automatic weapons or multiple projectile rounds may be used at a shooting sports facility unless under the control and use of a licensed official of the United States, State of Washington, or a political subdivision of the State of Washington in an official capacity; provided, that multiple projectile rounds customarily associated with shotgun use, e.g., buckshot and birdshot, may be used if the downrange area guidelines for such use set forth in the latest edition of "the Rand Source Book" (National Rifle Association of America: Fairfax, Virginia), or its successor, are met on that portion of the facility where the rounds are used and the facility has been licensed for shotgun use as provided in this Chapter.

S. All shooting sports facilities are required to have fencing surrounding the entire property a minimum of six feet in height. "Safety fencing" shall be chain-link fencing or equivalent in strength, with a barbed wire top. This does not apply to indoor ranges. Any shooting sports facility in operation prior to the passage of this ordinance may, when applying for the license required by Chapter 5.12, have an additional two (2) years to comply with section 5.12.180(S) as long as at the time of application they sign an affidavit that their property is currently fenced.

T. Every operator of a shooting sports facility must possess comprehensive general liability insurance against liability for damages on account of bodily injury or property damage arising out of the activities authorized by any license issued under this Chapter. The comprehensive general liability insurance must be maintained in full force and effect throughout the duration of the license. The minimum coverage amount required is one million dollars for each occurrence (bodily injury and property damage) combined single limit. This specified insurance amount is the minimum deemed necessary by the City to justify issuance of a license for a shooting sports facility and in no way represents a determination by the City that this amount of insurance is adequate to protect the owners and operators of shooting sports facilities from claims or to protect members of the public who may be harmed by the activities authorized by the license. Operators of shooting sports facilities are encouraged to assess their own risk and to obtain additional liability insurance if they deem it necessary.

5.12.200 Liability. The express intent of the City of Gig Harbor City Council is that responsibility for complete and accurate preparation of applications, plans and specifications, for compliance with applicable laws, including but not limited to those set forth in this chapter, and for safe design, construction, use and operation of facilities regulated herein shall rest exclusively with applicants and their agents. This chapter and the codes adopted herein are intended to protect the health, safety and welfare of the general public and are not intended to protect any particular class of individuals or organizations. This chapter shall not be construed as placing responsibility for code compliance upon the City of Gig Harbor or any officer, employee or agent of the City. Application review and inspections performed pursuant to this Chapter are intended to determine whether a shooting sports facility is in compliance with the requirements of this

Chapter. However, those inspections and reviews that are done do not guarantee or assure either that any design, construction, use or operation complies with applicable laws or that the facility is safety designed, constructed, used or operated. Nothing in this chapter is intended to create a private right of action based upon noncompliance with any of the requirements of this chapter.

5.12.220 Complaint process.

A. Upon receiving a written complaint to the effect that any shooting sports facility is in violation of any provision of this Chapter, the Administrator shall:

1. issue a notice of complaint to the shooting sports facility operator advising such person of the allegation(s) made in the complaint. The notice shall include the information required by GHMC Section 5.01.160, and shall be served as provided in that section;

2. request that the shooting sports facility operator respond, in writing, to the allegation(s) in the notice of complaint within fifteen calendar days of receipt of the notice of complaint;

3. investigate, through the use of the Administrator's staff, the Public Safety Authority, any other appropriate City department or personnel, and/or consultants or investigators, the allegation(s) in the written complaint and the response submitted by the shooting sports facility operator;

4. make a finding as to the validity of the allegation(s) in the written complaint, based upon information received from those conducting the investigation of the complaint. If it is found that violation of any of the shooting sports facility operating standards or any other provision of this chapter has occurred, the Administrator shall issue a written notice and order requiring that the operator suggest and implement measures or procedures to correct any violations of this chapter and to bring the shooting sports facility into full compliance. If a notice and order is issued, the Administrator shall provide the shooting sports facility with a copy of any and all final written reports prepared by City personnel, consultants, and/or investigators concerning the investigation of the complaint, except as any portion thereof may be exempt from public disclosure under RCW 42.17.310(1).

B. The notice and order issued under subsection (A) above may suspend or revoke the license of the shooting sports facility if the requirements of GHMC Sections 5.01.120 or 5.01.130 relating to denials, suspension or revocation are met.

C. Failure to comply with the notice and order issued as a result of the above process will result in the suspension and/or revocation of the license involved.

D. If the Administrator concludes that the complaint is accurate, that it discloses a violation of this chapter, and that the operator has not proposed or effectively implemented measures or procedures to correct any violations of this chapter, the Administrator shall initiate the revocation procedure set forth in GHMC Section 5.01.130.

E. Nothing in this section shall be construed to limit the City's authority to issue a notice and order or take such enforcement or investigative actions needed to protect the public's health and safety.

5.12.240 Hiring and paying for consultants and investigators.

A. The Administrator may hire consultants and investigators to:

1. review license applications and license renewals under this chapter;
2. inspect properties on which applications for licenses and license renewals have been made under this chapter;
3. inspect facilities licensed under this chapter to determine if they comply with this chapter and approved licenses and plans;
4. investigate, in cooperation with the Gig Harbor Police Department, complaints, incidents and reports of injury or endangerment of persons or property, or of rounds escaping the facility;
5. review and investigate proposals to bring facilities into compliance with the chapter.

B. In exercising its authority under this chapter, the Public Safety Authority may consider expert consultant advice, professional knowledge, and any or all other information available regarding shooting ranges and shooting sports facilities.

5.12.260 Appeals.

The City shall enforce this chapter as provided in chapter 5.01 GHMC. Appeals of the City Council's decision on suspension or revocation of a license may be made as provided in GHMC Section 5.01.130(F). Appeals of a notice and order issued by the City license officer or the Administrator for violations/complaints as set forth in this Chapter may be made as provided in GHMC Section 5.01.160(C).

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance shall take effect and be in full force five (5) days after publication of a summary, consisting of the title.

PASSED by the Gig Harbor City Council and the Mayor of the City of Gig Harbor this 10th day of February, 2003.

CITY OF GIG HARBOR




GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: 

MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:

By: 

CAROL A. MORRIS, CITY ATTORNEY

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DATE OF PUBLICATION: 2/19/03
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