Staff Report: Proposed amendments to Kitsap County Code Title 10.24 “Weapons”

Date: August 8, 2012

To: 10.24 Review Committee

From: The Department of Community Development

I. Staff Recommendation: For the Committee to review proposed ordinance amendments and additions to meet the Board of County Commissioner’s criteria, which is established in the ordinance’s purpose statement. The Committee will make recommendations to the Board of County Commissioners.

II. Background:

Kitsap County has three Shooting Clubs that have ranges that allow for the use of shooting firearms. The clubs were grandfathered from obtaining a conditional use permit for their facilities by a letter sent from the Chair of the Board of Commissioners in 1992.

Since this letter was issued, weapons availability and styles of “shooting” have changed. Whereas ranges were primarily used for target shooting, sighting in hunting rifles, etc. However, in this day and age semi-automatic and automatic weapons are being used for competitive sporting occasions which now include rapid-firing events. Additionally, the velocity of these newer weapons has increased the distance a round travels.

Since the 1980s, homes have moved closer to several ranges such that today they border the range.

Given the increased distance a round travels, unless properly controlled, the location of homes closer to these ranges, and the fact that rounds have been discovered on private property surrounding a range, the Commissioners directed that the Department of Community Development to draft an ordinance requiring an operational permit.
III. Amendments or Additions to Title 10.24. “Weapons” and Associated Rationale:

10.24.075 Purpose: Identifies the purpose of the ordinance which is to protect and safeguard participants, spectators, neighboring properties and the public, while promoting the continued availability of ranges to support educational safety training, improvement of individual skills, and recreational firearm sports.

   Rationale: The Board is acting under its police authority to protect the public. The ordinance recognizes the need for clubs, but also recognizes the need for them to operate in a manner that precludes the “escape” of rounds given the change in velocity and variety of weapons being used, or could be used, on ranges within Kitsap County.

10.24.080 Definitions: Adds in new definitions: shooting range, range officer or range safety officer, safety plan, baffles, backstop, berm, firing line, firing point, target line, and rules and regulations.

   Rationale: The added definitions clarify requirements in the operating permit ordinance.

10.24.103 Ranges – Permit required: Establishes the requirement for an operational permit for all ranges operating within Kitsap County. For current ranges, it establishes conditions to govern the range until an operational permit is submitted and issued. Title 10.24 has established the National Rifle Association Sourcebook as the “standards” for ranges. This section reiterates this and provides for specific standards related to range layout, requirements for a safety plan and Range Operator or Range Safety Officer, and disallows the use of ranges to train the military, unless the range is certified by the Regional Command, etc. and establishes processes for review, appeals, and incident reporting.

   Rationale: Over the past twenty (20) plus years, the types of weapons available to the general public have increased. Military type weapons, both semi-automatic and fully automatic that are available to the general public within the scope of law. Additionally, sports shooters are seeking activities that were once the purview of the FBI and law enforcement agencies – rapid shooting situations. As such, the safety of the individuals, the spectators, and the public in general has increased. The ordinance requires firing points to be identified and what types of weapons will be used there. Range operators must identify the firing fan of each weapons type to be used at the firing point and how they maintain the round on the range facility. A range diagram is required and inspected by certified individuals, be they from the National Rifle Association or engineers who deal with this type of effort.
To ensure safety, ranges should have qualified individuals to manage the firing line and the range as a whole. Given the vast quality of skills a shooter may or may not have, an independent set of eyes is often necessary for safe shooting.

Some ranges state their facilities are used to train military and law enforcement personnel with their weapons. Military grade weapons are designed to operate and deliver more rounds per second than standard weapons. Additionally, the velocity of their rounds and impacts differ than traditional hunting rifles, pistols, etc. Thus, the ordinance allows for military weapons systems to be used on a range, but only after certification from the regional military command vice a local commander.

To meet the due process clause of the Federal and State constitutions, there needs to be an appeals process related to departmental decisions. This code provides for such a process using the Hearing Examiner.

10.24.104 Shooting range days and hours of operation: Establishes specified hours of operation for shooting and closes all ranges two days out of the year. Permit applicant can request additional operating hours provided they demonstrate how they will mitigate impacts. (can be open and not operating-shooting)

Rationale: Ranges have a noise and operations impact on local communities if the range does not promote good noise management. Citizens residing near ranges have the same rights to enjoy their property as the shooters that participate in activities at the firing ranges. The hours established were consistent with the public hours of ranges operating within Kitsap County. Two of the three ranges close certain days of the year. Thanksgiving and Christmas (December 25th) were deemed the two days that most families get together, therefore these days are reflected as being closed in the draft ordinance.

10.24.105 Review committee: Changes the current requirement for a review committee to one that the Board of Commissioners “may” direct the establishment of one to review this code’s changes. Makes the Director, Community Development, chair of the committee; includes Sheriff or designee; has representation from all permitted clubs and an equal number of citizens.

Rationale: There are three clubs that open their ranges to the public. Under the current code, one range is excluded from sitting on the review committee. The code change includes all clubs that have valid operational permits to be included in any change to the ordinance with an equal number of citizens to keep the committee balanced on point of view.

III. Public Involvement Process
The public involvement process has consisted of involving stakeholders from the shooting clubs and citizens from CK Safe and Quiet, LLC. Five meetings were held over the past year. The Department created an “initial” document to serve as the baseline from which to develop the proposed code. During subsequent meetings, stakeholders provided recommendations and language.

The second phase of the public process is the calling the committee established in Title 10.24.105 into session to review the proposed ordinance and make recommendations to the Board of Commissioners.

The department has established an interactive website to solicit public comments and keep them appraised of code development. Additionally, the department has received numerous emails and phone calls on the proposed ordinance which have been captured.

IV . State Environmental Policy Act (SEPA)

SEPA has not been completed at this time; but if required, will be prior to presenting to the Board of Commissioners for action.

V. Findings

Staff concludes the following findings:

1. Proposed ordinance is within the scope of polices granted to the Board of County Commissioners.
2. Proposed ordinance promotes the safe operation of ranges and bullet containment by requiring review from an independent expert or engineer versed in this field.
3. Proposed ordinance allows ranges the ability to operate with additional hours/and or, sporting activities provided they mitigate the impacts on neighboring properties.
4. By limiting hours and closing on two holidays, proposed ordinance recognizes that ranges are important but also provides for neighboring property owners to enjoy their property rights.