

**TOWN OF COUPEVILLE**  
Coupeville, Washington

**ORDINANCE NO. 689**

**AN ORDINANCE** relating to the licensing and location of firearms retail establishments; adding a new Chapter 5.06 to Title 5 of the Coupeville Town Code to establish firearms retail establishment license requirements and to establish a 1000 foot zone around schools within which it is prohibited to locate a retail establishment selling firearms.

**WHEREAS**, pursuant to RCW 9.41.280 it is unlawful for a person to possess or carry firearms onto public or private elementary or secondary school premises, school-provided transportation, and/or areas of facilities while being used exclusively by public or private schools, except as otherwise authorized under law; and

**WHEREAS**, RCW 9.41.300 authorizes cities and towns to enact local laws and ordinances that restrict the areas in their respective jurisdictions in which firearms may be sold to not less than five hundred feet from primary or secondary school grounds; and

**WHEREAS**, pursuant to the Gun Free School Zones Act of 1995 Title 18 U.S.C Section 922(q), the term "school zone" means "in, or on the grounds of, a public, parochial or private school; or within a distance of 1,000 feet from the grounds of a public, parochial or private school which the Town supports and adopts for the purposes authorized under RCW 9.41.300;

**NOW THEREFORE BE IT ORDAINED BY THE TOWN OF COUPEVILLE AS FOLLOWS:**

**Section 1.** A new Chapter 5.06 is added to Title 5 – Business Licenses and Regulations of the Coupeville Town Code and shall read as follows:

**"5.06.010 - FIREARMS RETAIL ESTABLISHMENTS REGULATORY LICENSE AND REQUIREMENTS**

**A.** A firearms retail establishment regulatory license is required for all firearms retail establishments established within the town of Coupeville 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 Town 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 signing an affidavit, on a form provided by the Town, acknowledging that the recipient is aware of the existence of a 1000 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. RCW 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 1000 foot zone around schools 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 1000 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 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 1000 feet of a school, these shall be consistent with conditions or procedures outlined in CTC 16.10.020 for a lapse in grandfather status for other types of business in the town.

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.

**5.06.020 - 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.

**5.06.030 - PENALTIES**

It is unlawful for any person, corporation or other legal entity to violate any of the provisions of this chapter. A violation of any provision of this chapter shall be considered an infraction, punishable by a fine not to exceed one thousand dollars (\$1,000.00). Each day upon which such violation shall occur or upon which such violation shall continue shall constitute a separate offense.

**5.06.040 - SEVERABILITY**

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

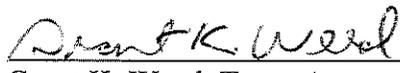
**Section 3.** This Ordinance shall be in full force and effect immediately after passage and publication of a summary consisting of the title.

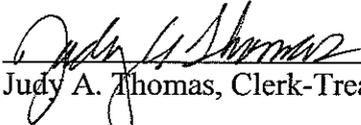
**PASSED** by the Town Council of the Town of Coupeville and **APPROVED** by the Mayor this 11<sup>th</sup> day of January 2011.

  
Nancy Conard, Mayor

APPROVED AS TO FORM:

ATTEST:

  
Grant K. Weed, Town Attorney

  
Judy A. Thomas, Clerk-Treasurer

Approved: 1/11/11  
Published: 1/19/11  
Effective Date: 1/19/11