

ORDINANCE NO. 515 -2014

**AN ORDINANCE AMENDING KITSAP COUNTY CODE CONCERNING
SHOOTING RANGES**

WHEREAS, Kitsap County has experienced a substantial increase in population density in areas proximate to its existing shooting ranges and the County has an interest in ensuring the compatibility of shooting ranges with their surroundings and in minimizing potential safety hazards created by the operation of shooting ranges; and

WHEREAS, shooting ranges benefit Kitsap County by providing its residents the opportunity to learn firearm safety, to practice shooting and to participate in amateur recreational firearm sports in a safe, controlled setting; and

WHEREAS, the Washington Constitution, Article XI, Section 11, confers upon county legislative authorities the police power to adopt regulations necessary to protect the health, safety and well-being of its residents; and

WHEREAS, RCW 36.32.120(7) provides that the county legislative authorities shall make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law; and

WHEREAS, RCW 9.41.290 provides that the State of Washington fully occupies and preempts the entire field of firearms regulations within its boundaries and counties may only enact ordinances as expressly authorized by RCW 9.41.300; and RCW 9.41.300(2) provides that a county may also, by ordinance, restrict the discharge of firearms in any portion of its jurisdiction where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized so long as such ordinance shall not abridge the right of the individual guaranteed by Article I, section 24 of the state Constitution to bear arms in defense of self or others; and

WHEREAS, the Kitsap County Board of Commissioners (Board) finds that the requirement of an operating permit for the establishment and operation of all shooting ranges provides assurance of the safe conduct of recreational and educational shooting activities in Kitsap County.

BE IT ORDAINED:

Section 1. Kitsap County Code, Chapter 10.24, last amended by Ordinance 500-2013 is hereby repealed in its entirety.

NEW SECTION. Section 2. A new Chapter 10.25 “Firearms Discharge” is added to the Kitsap County Code as follows:

Article 1 – No-Shooting Areas

10.25.010 – Definitions

10.25.020 – Discharge of Firearms – Areas where Prohibited

10.25.030 – Exceptions

10.25.040 – Designation of additional no-shooting areas through petition method.

Article 2– Ranges

10.25.060 – Purpose

10.25.070 – Definitions

10.25.090– Ranges – Operating Permit required.

10.25.110 – Shooting facility environmental controls.

10.25.120 –Review Committee

10.25.130 –Exceptions.

10.25.140–Application and construction of this Chapter.

Article 1 – No-Shooting Areas

10.25.010 Definitions.

The following definitions shall apply in the interpretation and enforcement of the ordinance codified in this article:

(1) “Firearm” means any weapon or device by whatever name known which will or is designed to expel a projectile by the action of an explosion. The term “firearm” shall include but not be limited to rifles, pistols, shotguns and machine guns. The term “firearm” shall not include devices, including but not limited to “nail guns,” which are used as tools in the construction or building industries and which would otherwise fall within this definition.

(2) “Ordinary high water mark” means that mark on all lakes, streams and tidal water which will be found by examining the bed and banks in ascertaining where the presence and action of waters are so common and usual and so long continued in all ordinary years as to mark upon the soil a characteristic distinct from that of the abutting upland in respect to vegetation; provided, that in any area where the ordinary high water mark cannot be found the ordinary high water mark adjoining salt water shall be the line of mean higher high tide.

(3) “Range” means a place set aside and designated for the discharge of firearms for individuals wishing to practice, improve upon or compete as to their shooting skills.

(4) “Shoreline” means the border between a body of water and land measured by the ordinary high water mark.

10.25.020 Discharge of firearms – Areas where prohibited.

(1) The discharge of firearms is prohibited within five hundred yards of any shoreline in the unincorporated areas of Kitsap County.

(2) The discharge of firearms in the unincorporated areas of Kitsap County is further prohibited in the following instances:

(a) In any area designated as a “no shooting” area pursuant to Section 10.25.040 of this chapter; specifically:

(i) Section 23, Township 25, Range 1 West, Willamette Meridian, Kitsap County, Washington, except for the following area: The southwest quarter except that portion lying northeast of the Seabeck Highway, of Section 23, Township 25, Range 1 West, Willamette Meridian;

(ii) That area bounded on the west by Bethel-Burley Road, on the north by Burley-Olalla Road, on the east by Bandix Road, and on the south by the Kitsap County/Pierce County line;

(iii) That area bounded on the west by a line that begins at the southwest corner of tax parcel number 252301-4-012-1009, thence in a straight line northeasterly to the northeast corner of tax parcel number 252301-1-019-1008, thence north along the east boundary of tax parcel number 252301-1-018-1009 to its intersection with the south boundary of tax parcel number 252301-4-013-1009, thence west along said south boundary to the southwest corner of said tax parcel, thence north along the western boundary of said tax parcel to the intersection of Southwest Lake Flora Road, thence easterly along the southerly right-of-way of said road to its intersection with J. M Dickenson Road Southwest, thence southwesterly along the westerly right-of-way of said road to its intersection with the eastern boundary of tax parcel number 252301-4-018-1003, thence north along said boundary to the northeast corner of said parcel, thence west along the northern boundary of said parcel to the Alpine Lake No-Shooting Area.

(b) On any parcel of land less than five acres in size;

(c) Towards any building occupied by people or domestic animals or used for the storage of flammable or combustible materials where the point of discharge is within five hundred yards of such building;

(d) Later than ½ hour after sunset or earlier than ½ hour before sunrise unless otherwise authorized under state hunting regulations.

(e) Within five hundred yards of the following lakes located, in whole or in part, in the unincorporated areas of Kitsap County: Long Lake, Kitsap Lake, Wildcat Lake, Panther Lake, Mission Lake, Tiger Lake, William Symington Lake, Tahuya Lake, Island Lake, Horseshoe Lake, Carney Lake, Wye Lake, Buck Lake, Fairview Lake and Bear Lake.

(f) Nothing in this section shall be construed or interpreted as abridging the right of the individual guaranteed by Article I, Section 24 of the state Constitution to bear arms in defense of self or others.

10.25.030 Exceptions.

The provisions of Section 10.25.020 shall not apply to the discharge of firearms:

(1) By law enforcement officers, including Washington State Department of Fish and Wildlife officers, or security personnel in the course of their official duties;

(2) On a shooting range, provided that any such range shall comply with the criteria for ranges adopted by the Kitsap County board of commissioners pursuant to Article 2 of this chapter;

(3) In the course of farm slaughter activities.

10.25.040 Designation of additional no-shooting areas through petition method.

(1) The establishment or disestablishment of a “no shooting” area in addition to those described in Section 10.25.020 may be requested by petition by the registered voters residing in such proposed additional areas. Such petition may include a request that the discharge of certain types of firearms be nevertheless allowed during certain times and under certain conditions. The superintendent of a school district may also request by petition that school property within that district which is located in the unincorporated area of Kitsap County and on which a building having an occupancy classification of “E” under the Uniform Building Code is situated, together with the area within five hundred yards of the school property’s perimeter, be designated as a “no shooting” area. Any such petition shall be presented to the Kitsap County board of commissioners and shall substantially comply in content with the following criteria:

(a) The proposed area shall contain a minimum of fifty dwelling units or, in the alternative, a minimum area of one square mile;

(b) The proposed area shall have readily identifiable boundaries, which shall be shown on a map attached to the petition;

(c) A petition requesting that the discharge of certain types of firearms be nevertheless

allowed during certain times and under certain conditions shall set forth with specificity the types of firearms, times and conditions being proposed;

(d) The petition for the proposed area shall bear the signatures of at least fifty-one percent of the proposed area’s registered voters; provided, however, that a petition for a “no shooting” area involving school property need be signed only by the superintendent of the school district in which the school property is located.

(e) Ranges permitted under Article 2 of this chapter shall not be declared a no-shooting area by petition method.

(2) A petition for a “no shooting” area shall be in substantially the following form:

PETITION TO CREATE A “NO SHOOTING” AREA

To: The Kitsap County Board of Commissioners

We, the undersigned citizens of Kitsap County, State of Washington, being legally registered voters within the respective precincts set opposite our names, do hereby respectfully request that the area generally known as _____ be established as a “No Shooting” area pursuant to Kitsap County Code Section 10.25.020.

We further request that the discharge of certain types of firearms, commonly known as _____, be nevertheless allowed during certain times of the year, namely, _____, under the following conditions:

1. _____
2. _____
3. _____
4. _____
5. _____

The proposed area’s boundaries are shown on the attached map and are generally described as follows:

[Here insert proposed area boundary description]

Each of us says:

(1) I am a legally registered voter of the State of Washington in the precinct written after my name below.

(2) The portion of such precinct within which I reside is included within the proposed “No Shooting” area.

(3) My residence address is correctly stated below.

(4) I have personally signed this petition.

Petition Name and Signature	Precinct Name	Residence Address Number and Street	City or PO Box No.	Zip Code

Failure of a petition to comply with any of the above format shall not automatically invalidate such petition but shall be a matter for consideration by the Kitsap County board of commissioners as to whether the intent and standards of this section have been met.

(3) Upon the receipt of such a petition, the board of commissioners shall forward the petition to the Kitsap County auditor for verification of the signature requirements of this section. Upon the return of area verification from the auditor, the board shall set the matter for consideration at the next regularly scheduled public hearing or as soon thereafter as it may appropriately be heard.

(4) At any time after one year from the effective date of the establishment of a “no shooting” area pursuant to this section, the residents of such area may seek abrogation of such by the same procedure provided in this section for the establishment of a “no shooting” area, provided however, that in the event of such abrogation, Section 10.25.020 of this chapter shall remain in full force and effect as to that area.

Article 2– Shooting Ranges

10.25.060 Purpose.

The purpose of this Article is to provide for and promote the safety of the general public by establishing a permitting procedure and rules for the development and operation of shooting range facilities. The shooting range standards adopted herein are intended to protect and

safeguard participants, spectators, neighboring properties and the public, while promoting the continued availability of shooting ranges for firearm education, practice in the safe use of firearms, and recreational firearm sports.

10.25.070 Definitions.

The following definitions shall apply in the interpretation and enforcement of the ordinance codified in this article:

- (1) “Backstop” means a device constructed to stop or redirect bullets fired on a range, usually directly behind the target line.
- (2) “Baffles” means barriers to contain bullets and/or to reduce, redirect or suppress sound waves. Baffles are placed either overhead, alongside or at ground level to restrict or interrupt errant or off-the-target shots.
- (3) “Ballistic trauma” means a form of physical trauma sustained from the discharge of arms or munitions. Commonly it is the penetration of the body by a bullet, marked by a small entrance wound and a larger exit wound. The wound is usually accompanied by damage to blood vessels, bones, and other tissues.
- (4) “Berm” means an embankment used for restricting bullets to a given area, or as a protective or dividing wall between shooting areas.
- (5) “Buffer” means a non-clearing native vegetation area which is intended to protect the functions and values of critical areas.
- (6) “Cowboy action shooting” means a type of match utilizing one or a combination of pistol(s), rifle, and/or shotgun in a variety of "old west themed" courses of fire for time and accuracy.
- (7) “Department” means the Kitsap County Department of Community Development.
- (8) “Firearm” means any weapon or device by whatever name known which will or is designed to expel a projectile by the action of an explosion. The term “firearm” shall include but not be limited to rifles, pistols, shotguns and machine guns. The term “firearm” shall not include devices, including but not limited to “nail guns,” which are used as tools in the construction or building industries and which would otherwise fall within this definition.
- (9) “Firing Line” means a line parallel to the targets from which firearms are discharged.
- (10) “Firing point” means a location from which one individual fires at an associated target down range.
- (11) “Five stand shooting” means a shotgun shooting sport where there are five stations or stands on the firing line and multiple strategically placed target throwers that throw targets in front of the firing line.

(12) “Integrated Lead Management Program Plan” means a written plan that details the specific design and operational elements that a shooting range employs to control and contain lead bullets and bullet fragments; prevents the migration of lead to surface and ground waters; removes accumulated lead bullets and bullet fragments from the shooting range for recycling; and, documents and reports the plans implementation work.

(13) “Life Safety Violation” means an incident that causes substantial bodily harm to an individual or domestic animal, e.g., a bullet wound resulting in a 911 notification; or damage to a structure that results in a call to 911, Sheriff’s Office, or the Department for investigation.

(14) “Physical containment” means the use of physical barriers that are sufficient to contain the projectile from the highest power firearm used on a shooting range. Physical barriers include baffles, sidewalls, backstops and berms of adequate design, quantity and location to ensure that no errant projectiles can escape the shooting range,

(15) “Practical shooting” means a sport which challenges an individual's ability to shoot rapidly and accurately with a full-power handgun, rifle, or shotgun. To do this, shooters take on obstacle-laden shooting courses called *stages*, some requiring many shots to complete, and others just a few. While scoring systems vary between practical shooting organizations, each measures the speed with which the stage is completed, with penalties for inaccurate shooting.

(16) “Range Officer (RO)” or “Range Safety Officer (RSO)” or “safety officer” means a person or persons appointed by the operators of a shooting facility to oversee the safe discharge of firearms in accordance with any conditions of permit approval and any other additional safety rules and procedures adopted by the operators of the shooting facility.

(17) “Routine maintenance” means simple, small-scale activities (e.g., repairing berms using less than 150 cubic yards of soil; repairing structures such that a building permit is not required under county code, etc.) associated with regular (daily, weekly, monthly, etc.) and general upkeep of a structure of existing building, firing line, target line, parking lots, etc. Routine maintenance activities are associated with maintaining a facility in its original condition; expansion and construction of new firing positions on a firing line, new ranges, etc. are not routine maintenance.

(18) “Rules and Regulations” means standards used in the operation of a Facility. Rules and regulations are set up to govern the Facility operations and are normally part of the facility’s safety plan.

(19) “Safety fan” means all areas in or around a range where projectiles, including errant projectiles, may impact or ricochet. The length of the safety fan extends to the maximum range of the cartridge and firearm used on the firing range unless adequate physical containment is provided. When physical containment is adequate, the safety fan is limited to the area within the containment.

(20) “Safety Plan” means the written procedures and or policies of a shooting facility specifically

defining the safety requirements utilized at that facility.

(21) “Shooting facility” or “facility” means an entity with a site having one or more shooting ranges, but does not include residential property.

(22) “Shooting range” or “range” means a place set aside and designated for the safe discharge of firearms for individuals wishing to practice, improve upon or compete as to their shooting skills. There may be one or more ranges located at a shooting facility.

(23) “Skeet shooting” means a shotgun shooting sport where firer is on the firing line and fires at targets launched from two houses in a somewhat sideways paths that intersect in front of the shooter.

(24) “Sporting Clays” means a form of Clay Pigeon Shooting which consists of multiple shooting stations laid out over natural terrain such that target presentations simulate the unpredictability of live quarry shooting.

(25) “Target Line” means the line where targets are placed.

(26) “Trap shooting” means a shotgun shooting sport where a firer on the firing line shoots at targets launched from a single launching point and generally away from the shooter.

(27) “Wetlands” means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include, but are not limited to swamps, marshes, estuaries, bogs, and ponds less than twenty acres, including their submerged aquatic beds and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, storm water facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.

10.25.090 Ranges – Operating Permit required.

(1) Shooting facilities shall be authorized and operated in accordance with an operating permit issued by the department. The operating permit shall govern the facilities and scope of operations of each shooting facility, and shall be issued, denied or conditioned based upon the standards set forth in this Article. No proposed or existing shooting facility may operate without an operating permit issued pursuant to this chapter, except as provided in section (2) herein. This operating permit is not intended to alter the legal nonconforming use status and rights of existing ranges, which are governed by Title 17 Kitsap County Code (KCC) and the common law, nor shall this operating permit authorize expansion of range uses which otherwise require approval pursuant to a Conditional Use Permit or other land use permits per Title 17 KCC. Failure to obtain a range operational permit will result in closure of the range until such time a permit is obtained. Ranges

that operate without a permit are subject to code compliance enforcement, including but not limited to injunctive relief.

(2) Each owner or operator of a shooting facility shall apply for and obtain an operating permit. The owner or operator of a proposed new shooting facility shall apply for the facility operating permit at the time of application for any necessary building or land use permits. The owner or operator of an established shooting facility in active use on the effective date of this ordinance shall apply for the initial facility operating permit not later than 90 days after the effective date of this ordinance. A shooting facility operating permit is valid for five (5) years from the date of issuance or renewal. The owner or operator of each facility shall apply for a permit renewal at least thirty (30) days prior to the date of current permit expiration.

(3) In reviewing a new application for a shooting facility operating permit, or renewal of an existing permit, the department shall be guided by the current edition of the “NRA Range Source Book” published by the National Rifle Association. Reference to the NRA Range Source Book may not be used as the basis for any claim of civil liability against the NRA or against Kitsap County or its officers, directors, employees, agents or representatives based upon deviation from, citation to, or reliance upon the NRA Range Source Book.

(4) Shooting facilities shall meet the following standards:

(a) Each shooting range within a shooting facility shall be designed, constructed, operated and maintained to contain bullets, shot or other discharged projectiles within the facility property. A shooting facility shall use the NRA Range Source Book, or other engineered specifications that meet or exceed the standards established by the Source Book, as a minimum to develop and implement institutional and facility controls for the safe operation, improvement and construction of shooting ranges. Facilities should engineer and construct facilities to reduce sound impacts on neighboring communities to the maximum extent feasible.

(i) Rifle and pistol ranges that allow modern smokeless powder cartridges or center-fired cartridges shall provide adequate physical containment of projectiles in addition to any institutional controls. Adequate physical containment requires the use of the appropriate combination of overhead baffles, impact berms and sidewalls or side berms.

(ii) Overhead baffles shall be constructed of material of sufficient design to stop and contain any projectile fired from the most powerful cartridge authorized for use on that specific range, shall be placed at intervals that are sufficient to eliminate the possibility of a projectile to be fired over the top of any preceding or successive baffle, and shall extend downrange far enough to prohibit a projectile being fired over the top of the impact berm.

(iii) Impact berms shall be constructed of material of sufficient height and thickness to stop and contain any projectile fired from the most powerful cartridge authorized for use on that specific range at any elevation that is not contained by the last overhead baffle. The

surface of the impact berm should be free of large rocks and debris to reduce ricochet.

(iv) Sidewalls or side berms shall be constructed of material of sufficient height and thickness that will stop and contain any projectile fired from the most powerful cartridge authorized for use on that specific range at any elevation that is not contained by an overhead baffle or impact berm.

(b) Each shooting range shall have a Safety Plan as described herein. Each shooting range shall be used only for the shooting activities identified in the Safety Plan.

(c) Designs and safety procedures shall be evaluated by an NRA Range Technical Team Advisor (RTTA) or by a professional engineer with experience in shooting facilities or other qualified professional consultant with experience and expertise in the evaluation and design of shooting ranges. Qualified professional consultants must demonstrate their education, experience and expertise by identifying their certifications from nationally recognized shooting organizations that provide such certifications, the number and location of shooting facilities they have designed or evaluated and contact information for those facilities. Their home facility will not count towards this qualification.

(d) A shooting facility shall have at least one qualified safety officer present when open to the public. When the facility is closed to the public, a facility member who has passed the minimum training requirements of the range shall be present.

(e) Shooting facilities shall meet all applicable local fire codes when storing explosives.

(f) A shooting range may not be used for training of units of any branch of the United States military, National Guard or Reserve Forces, or Homeland Security, unless the facility's application identifies all proposed activities, types and calibers of firearms to be used, and the facility is currently certified by the regional command as meeting the service's range safety manuals and standards. This does not restrict individual members of the military, National Guard or Reserve Forces, or Homeland Security to use a shooting facility for improving their individual skills with privately owned firearms.

(g) A facility may allow the use of exploding targets (e.g. Tannerite, etc.) as provided in this subsection. Use of exploding targets is limited to one day per calendar month during a designated four-hour period between the hours of 9 a.m. to 5 p.m. The facility must designate the day and time of use in its application. If used, exploding targets must meet parameters defined and identified in the Safety Plan, including that exploding targets shall only be used within the parameters defined by the manufacturer, and shall not exceed one-half pound of mixture. A facility allowing use of exploding targets shall demonstrate how it mitigates the noise impacts on surrounding neighbors. Mitigation may be an approved bunkering system that surrounds the target on three sides and forces the sound back towards the shooter and upward.

(h) If a facility utilizes cannon(s) for audio effect purposes, a noise variance per Ch. 10.28

KCC shall be required.

(i) All shooting facilities shall provide a means for participants and spectators to readily contact emergency services such as fire or medical aid.

(j) Shooting facilities within 500 yards of a shoreline, wetland or wetland buffer must orient the firing away from these areas or demonstrate how bullets are contained so that they do not enter these areas.

(k) Firing lines, targets and target lines must be located so that the direction of fire is not toward any structure housing people or domestic animals located within 500 yards of the point of discharge.

(l) Shooting facilities conducting cowboy action shooting, practical shooting, and similar sports shooting matches must meet the following requirements:

(i) A shooting facility is limited to two (2) competition events per calendar month; and

(ii) All such competition events or practices shall take place on a range constructed in compliance with section (4)(a); and

(iii) For any competition event or practice in which shooting takes place where overhead baffling is not present, an on-duty range control officer must be present at the practice site alongside the shooter; and

(iv) For practice in which shooting takes place where overhead baffling is not present, the facility must limit the hours of practice to daylight hours between nine (9) a.m. to five (5) p.m.; and

(v) Practice must be restricted to one range at any given time.

(5) Application contents. The application for an initial shooting facility operating permit shall include the following documents:

(a) A Safety Plan, which shall include:

(i). Firearm handling rules, general range rules, specific range rules and administrative rules and regulations established by the owner/operator to include any firearms and or caliber restrictions on specific shooting areas.

(ii) Emergency Plan, to include provision for timely notification to the Kitsap County Sheriff's Office and to the department of any type of ballistic trauma with initial notification within a 96 hour time period. The accidental or unintended release of a bullet from a shooting area shall be documented by the facility and available for inspection by the department as requested.

(iii) Brief description of the facility training plan for Range Safety Officers and others.

(iv) Ranges conducting cowboy action shooting, practical shooting, and similar sports shooting matches shall follow the guidelines established by the sporting association that

governs such matches and include it in the Safety Plan. The facility will identify the association governing the match and attach the safety guidelines to the permit application. If no such guidelines exist, then as a minimum, each shooter will have a range control officer within arm's length to ensure control of the direction of the firearm's muzzle. The range control officer can also perform as the timer of these activities.

(b) Shooting facility layout and design which shall include:

(i) Dimensional drawings of physical layout to include orientation of each shooting area, location and description of terrain and any natural vegetation, and locations of critical areas, buildings, structures, fences, gates, roadways, trails, foot paths, major lighting, signage, and parking areas.

(ii) Locations of firing lines or firing points, target lines and impact areas to include any backstops, berms, containment structures and any baffles or side containment structures.

(iii) For practical shooting ranges without overhead baffles, a safety fan diagram based on the most powerful cartridge proposed to be shot on the range.

(c) An evaluation of the facility design and Safety Plan.

(i) The evaluation must be performed by a NRA Range Technical Team Advisor (RTTA) or a Professional Engineer with expertise in the design of shooting ranges that reports any safety issues or proposed uses which are inconsistent with the NRA Range Source Book for facility designs and institutional controls or qualified consultant that meets the credentials previously stated. The evaluation must be in written form and signed by the evaluator.

(ii) The department may, at County expense, arrange for an additional or independent inspection and evaluation of the shooting facility, including the facility's uses and institutional controls described in an application for an operating permit. In cases where there is dispute between the evaluation provided by the facility and the evaluation performed at the option of the county, the dispute shall be decided by the Hearing Examiner pursuant to KCC Title 21.

(d) For exploding targets used on a facility, plans for mitigation of noise impacts on neighbors.

(6) Each owner or operator of a shooting facility must apply to the department for an amendment to the operating permit when additional firing lines, firing lanes, or shooting ranges are proposed or the design of any facility range is altered beyond the scope of the original permit approval. Such proposed changes shall not be implemented prior to department approval.

(a) Routine maintenance of existing berms, backstops, structures and facilities shall not be construed as a change requiring an amendment to an operating permit.

(b) Changes to shotgun range configuration or Safety Plan procedure shall not be construed as a change requiring an amendment to an operating permit if the discharged shot is wholly contained on the shooting facility property.

(c) Changes to rifle or pistol range configuration or Safety Plan procedure shall not be construed as a change requiring an amendment to an operating permit if the direction of fire and safety structures are not altered and the safety procedures are not reduced.

(7) An application for renewal of an operating permit shall include a current copy of the facility Safety Plan. Permit renewal does not require the submittal of layout and design documents or a written evaluation by an RTTA or Professional Engineer if the shooting facility range design has not been altered from previously approved submittals. However, the application must include a written statement by the owner of the facility declaring that no such changes have been made.

(8) During the operating permit review or renewal process, the department shall inspect the facility to determine that the ranges are consistent with the application descriptions and to assess any deficiencies or corrective actions necessary to meet the intent of this Article. The department shall inform the applicant of any deficiencies or corrective actions to be taken and allow a reasonable time for the owner/operator to take corrective action. The department may re-inspect the facility to verify corrective action.

(9) Application for a new or renewed operating permit shall be processed, reviewed and be appealable under the procedures for a Type I Director's Decision pursuant to KCC Title 21. Permit renewals shall be issued without additional restrictions provided there have been no substantial changes to range design or operation. Permit renewals may not be unreasonably withheld. Shooting facilities shall be allowed to continue operations while a review of a permit renewal is performed.

(10) Upon receiving evidence of noncompliance with the operating permit or receiving evidence of a reasonable likelihood that humans, domestic animals, or property have been or will be jeopardized, the department will contact the shooting facility within 24 hours and will give the facility a written notice of the complaint. The owner/operator shall make the facility available for inspection not later than 48 hours after receiving a request for an inspection.

(a) If the department concludes there is a life safety violation of this Article or the terms of the operating permit, the department may suspend or modify the permit to close the range or modify range operations and shall provide the owner/operator a written notice that shall set forth each claimed violation with a specific reference to the applicable Article provision and/or permit condition. The owner or operator shall have thirty (30) days to respond in writing and to take any necessary corrective measures. The department shall be provided access to the shooting facility to verify compliance after providing notice and scheduling an appointment. An operational range permit that has been suspended requires the shooting facility to cease any firing activities.

(b) A department decision to suspend, modify, or revoke an operating permit may be appealed

to the Hearing Examiner pursuant to Title 21 KCC.

(11) Nothing in this section or any other provision of this Article shall be construed as authorizing an application or a permit for a shooting facility to be located in whole or in part in an area designated as an area where the discharge of firearms is prohibited under Ch. 10.25 KCC Article 1. Shooting ranges in such areas are expressly prohibited. Nothing in this Article shall be construed as permitting the discharge of firearms the ownership or possession of which is otherwise prohibited by law. Nothing in this Article shall be construed as permitting the use or possession of a firearm by an individual who is otherwise prohibited by law from owning or possessing that firearm.

10.25.110 Shooting facility environmental controls.

Each shooting facility operator shall develop and submit an Integrated Lead Management Program Plan to reclaim lead deposited by shooting activities. This plan will be reviewed by the Kitsap Public Health District.

10.25.120 Review committee.

The Kitsap County Board of Commissioners may direct the Director of Community Development to establish a review committee to evaluate proposed changes to the shooting facility requirements governed by this Article. The committee will consist of the Director of the Department of Community Development or the Director's designee (chair), Kitsap County Sheriff or the Sheriff's designee, a representative of each currently permitted shooting facility in unincorporated Kitsap County and an equal number of citizens-at-large appointed by the Kitsap County Board of Commissioners. The citizens-at-large shall go through the appropriate application process. An appointed citizen-at-large may not be a member of or affiliated with any established shooting facility in unincorporated Kitsap County.

10.25.130 Exceptions.

(1) Shooting facilities and ranges that solely conduct trap, skeet, sporting clay or five stand shooting operations are exempt from this ordinance if they meet the following conditions:

(a) Shells fired are not greater than #7 ½ shot; and

(b) The facility has sufficient land to contain all shot fired.

10.25.140 Application and construction of this Chapter.

A facility may not generate noise at a level that creates a public nuisance. Notwithstanding any other provision in this chapter, upon obtaining a ruling from a court of record that a shooting facility has been found to create a public nuisance, the department may require additional noise,

environmental or safety controls as a condition of continuing a shooting facility operating permit. No provision of this chapter shall act to nullify or render void the terms of any existing or future injunctive order issued by a court of record pertaining to operations or activities at a shooting range or shooting facility. No provision of this chapter shall be construed to allow or authorize the discharge of firearms otherwise prohibited by state or federal law.

Section 3. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid or unconstitutional, the remainder of the ordinance or its application to other persons or circumstances shall not be affected.

Section 4. Recitals. The recitals herein shall be findings of fact and are incorporated herein by reference.

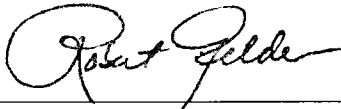
Section 5. Effective Date. This Ordinance shall take effect on the earlier of (a) the date of approval by the Washington Department of Ecology pursuant to WAC 173-60-110; or (b) ninety (90) days after submittal to the Department of Ecology pursuant to RCW 70.107.060. The department shall notify existing shooting ranges subject to this ordinance of the effective date.

ADOPTED this 22nd day of September, 2014.

**BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON**



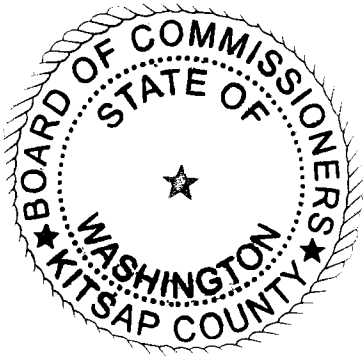
CHARLOTTE GARRIDO, Chair



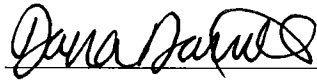
ROBERT GELDER, Commissioner



LINDA STREISSGUTH, Commissioner

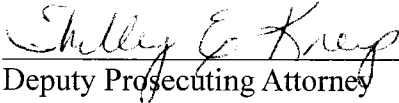


ATTEST:



Dana Daniels, Clerk of the Board

APPROVED AS TO FORM:



Deputy Prosecuting Attorney