

ORDINANCE NO. 6867

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, REPEALING SECTION 9.34.030 OF THE AUBURN CITY CODE, RELATED TO DISCHARGING FIREARMS WITHIN THE CITY

WHEREAS, Auburn City Code (ACC) section 9.34.030 regulates discharging firearms in the City. RCW 9.41.230 similarly regulates discharging firearms throughout the State. The City has adopted RCW 9.41.230 by reference in ACC 9.34.900;

WHEREAS, RCW 9.41.290 provides that the State fully occupies and preempts the field of firearms regulation;

WHEREAS, in Bass v. City of Edmonds (No. 99596-6, Wash. April 21, 2022), the Washington Supreme Court invalidated an Edmonds firearms ordinance that conflicted with State firearms law. The Court ruled that RCW 9.41.290 preempted the Edmonds ordinance;

WHEREAS, the Bass decision establishes that ACC 9.34.030 is similarly preempted by State law and should be repealed.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Repeal of City Code Section. Section 9.34.030 of the Auburn City Code is hereby repealed.

Section 2. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 3. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision,

section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

Introduced: _____

Passed: _____

Approved: _____

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

Shawn Campbell, City Clerk

APPROVED AS TO FORM:

Kendra Comeau, City Attorney

PUBLISHED: _____