

**ORDINANCE NO. 2015-20**

**AN ORDINANCE OF THE TOWN OF EATONVILLE, WASHINGTON, AMENDING CHAPTER 9.33 OF THE EATONVILLE MUNICIPAL CODE BY ESTABLISHING NEW SECTIONS PROHIBITING HUNTING WITHIN THE TOWN LIMITS AND PROVIDING PENALTIES FOR VIOLATIONS**

**WHEREAS**, pursuant to the Washington State Constitution, Article XI, Section 11, the Town is authorized to make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws; and

**WHEREAS**, as provided in Title 77 RCW, Washington's wildlife resources are a public responsibility and the citizens and municipalities of the State share an interest in the preservation, protection and perpetuation of all wildlife species; and

**WHEREAS**, the Town's Public Safety Committee, after considering hunting within the Town limits and the impact it may have on the safety and welfare of residents, made recommendations to the Town Council; and

**WHEREAS**, while the Town is home to numerous wildlife species, it is also an urban community and its residents should enjoy an expectation of safety from the inherent dangers associated with hunting, including, but not limited to, potential harm to residents, children, visitors, property and domestic pets; and

**WHEREAS**; the Town Council finds that concerns for public safety and the preservation of wildlife mandate that hunting and lethal trapping of wildlife should be prohibited within the Town, except for hunting done by law enforcement and appropriate wildlife agencies; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF EATONVILLE AS FOLLOWS:**

**Section 1.** Chapter 9.33 of the Eatonville Municipal Code is hereby amended to read as follows:

**Chapter 9.33  
MISCELLANEOUS CRIMES**

Sections:

**9.33.010 Definitions.**

**9.33.020 Miscellaneous crimes – Chapter 9.91 RCW et seq. adopted.**

**9.33.030 Hunting Prohibited and Penalties for Violations.**

**9.33.010 Definitions.**

For the purpose of this chapter, the following terms are defined and understood to mean the following:

A. "Hunting" or "To hunt," shall be defined herein as an effort to kill, injure, harass, harvest, or capture an animal or bird.

**9.33.020 Miscellaneous crimes – Chapter 9.91 RCW et seq. adopted.**

The following provisions of Chapter 9.91 RCW are hereby adopted including any subsequent amendments thereto: 9.91.010, 9.91.020, 9.91.025, 9.91.120, 9.91.130, 9.91.150(2).

**9.23.030 Hunting Prohibited and Penalties for Violations.**

(1) It is unlawful to hunt, or attempt to hunt, any animal or bird on public property within the Town of Eatonville; provided, that this section shall not apply to the following persons or activities:

A. The hunting of animals or birds by law enforcement officers or game department personnel while engaged in the performance of their official duties;

B. The nonlethal trapping or capturing of animals or birds by means designed to ensure the safety and well-being of the animals; and

C. The hunting of animals or birds on private property with the express permission of the owner or owners and not closer than 500 feet from any dwelling or access way on adjacent public or private property.

(2) Any person convicted of a violation of this section shall be guilty of a gross misdemeanor, punishable by a fine of not less than \$250.00 and not more than \$1,000.00, or by imprisonment of not more than 364 days, or by both the fine and imprisonment.

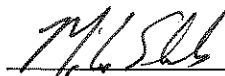
**Section 2.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 3.** This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING: 12/14/2015

2ND READING: 01/11/2016

PASSED by the Town Council of the Town of Eatonville and attested by the Clerk in authentication of such passage this 11<sup>th</sup> day of January, 2016.



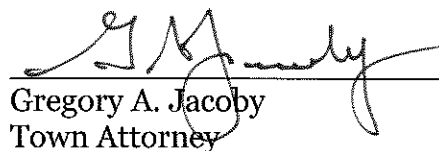
\_\_\_\_\_  
Mike Schaub  
Mayor

ATTEST:



\_\_\_\_\_  
Kathy Linnemeyer  
Town Clerk

APPROVED AS TO FORM:



\_\_\_\_\_  
Gregory A. Jacoby  
Town Attorney