

# TOWN OF EATONVILLE

## Agenda Staff Report

Agenda Item No.:	_____	Meeting Date:	<u>December 14, 2015</u>
Subject:	<u>Ordinance Banning Hunting Within</u>	Prepared by:	<u>Town Attorney</u>
	<u>Town Limits and Providing Penalties</u>		_____
	<u>For Violations</u>	Atty Routing No:	<u>045-15</u>
	_____	Atty Review Date:	<u>December 10, 2015</u>

**Summary:** The Town's Public Safety Committee recently looked into hunting within Town limits and the potential risks posed by such activities. Risks include, but are not necessarily limited to, bodily injury to residents, children and visitors as well as damage to property and domestic pets. Article XI, Section 11 of the Washington State Constitution gives the Town authority to make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws. Pursuant to 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.

The Town, while being home to many wildlife species, is also an urban community where residents and visitors should enjoy an expectation of safety from the inherent dangers associated with hunting. The Public Safety Committee has recommended a ban on hunting within the limits of the Town out of a concern for public safety and the preservation of wildlife.

**Recommendation:** Staff recommends adoption of Ordinance No. 2015-20 making it a gross misdemeanor to hunt within Town limits and setting penalties for violations.

**Motion for consideration:** I move to adopt Ordinance No. 2015-20 making it a gross misdemeanor to hunt within Town limits and setting penalties for violations.

**Fiscal Impact:** None

**Attachments:** Proposed Ordinance No. 2015-20

**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: \_\_/\_\_/\_\_\_\_

PASSED by the Town Council of the Town of Eatonville and attested by the Clerk in authentication of such passage this 14<sup>th</sup> day of December, 2015.

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Mike Schaub  
Mayor

ATTEST:

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Kathy Linnemeyer  
Town Clerk

APPROVED AS TO FORM:

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Gregory A. Jacoby  
Town Attorney