

**CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2004-166**

**AN ORDINANCE OF THE CITY OF SAMMAMISH,
WASHINGTON, PROHIBITING THE USE OF WEAPONS AND
TRAPS WITHIN THE CORPORATE LIMITS, PROVIDING FOR
EXCEPTIONS, AND ADDING A NEW SECTION 22.05.015 TO
THE SAMMAMISH MUNICIPAL CODE**

WHEREAS, capturing or injuring wild animals or wild birds within the corporate limits of the City of Sammamish by the use of traps, firearms, bow and arrow, and other weapons creates a reasonable and foreseeable likelihood that the health, safety and welfare of humans, domestic animals and property will be jeopardized; and

WHEREAS, the City Council finds that a public safety emergency exists sufficient to justify introduction and adoption of this ordinance at a single meeting;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Title 22, Amended. Title 22 of the Sammamish Municipal Code, entitled Miscellaneous Crimes, is hereby amended to add a new Section 22.05.15, Use of Weapons Within the City Limits, to read as follows:

Section 22.05.015
Use of Weapons Within the City Limits

(1) Purpose. The purpose of this section is to protect humans, domestic animals and property from the likelihood of jeopardy resulting from the use of weapons and traps to kill, catch or injure wild animals or birds within the corporate limits of the city. It is the further intent of this section to provide for habitat for wild animals and wild birds on publicly owned property within the city.

(2) Definitions. For purposes of this section, the following words and phrases shall have the meaning hereafter set forth:

a. "Use a weapon" shall mean any effort to kill, injure, or harass a wild animal or wild bird by means of firearms, bow and arrow, and any other object or device designed or intended to inflict injury, bodily harm, or death.

b. "Trap" (and its derivatives) shall mean a method of using an object or device to capture wild animals or birds.

c. "Wild animal" shall mean any of those species of the class Mammilla whose members exist in Washington in a wild state. The term

"wild animal" shall not include feral domestic animals, moles, mice or rats.

d. "Wild bird" shall mean any of those species whose members exist in Washington in a wild state.

(3) Prohibited Activities.

a. It shall be unlawful for any person to willfully use a weapon against any wild animal or wild bird, or to trap, capture or disturb any wild animal or wild bird, or to take the eggs or nests of any such bird in the city, subject to the provisions of subsections "b", "c" and "d" below.

b. The city council may by resolution from time to time designate areas, times and conditions for hunting within the city.

c. The provisions of this section shall not apply to law enforcement officers or personnel of the Washington Department of Fish and Wildlife while engaged in the performance of their official duties.

d. The provisions of this section shall not affect or apply to the following:

1. The use of bow and arrows with due consideration for the safety of people, property and animals:

a. At a city-licensed or permitted archery range or meet;

b. Upon and within the private property of the user;

c. Upon and within the private property of another with the property owner's express permission; or

2. The use of traps to capture gophers or moles on the private property of the user; or

3. Live trapping of a wild animal or wild bird for purposes of transferring it for release in a suitable habitat; or

4. The human destruction of a dangerous animal or an animal or bird suffering from serious injury or disease.

(4) Penalties.

a. Each person convicted of a violation of this chapter shall be guilty of a misdemeanor upon first conviction, and upon a second or subsequent conviction shall be guilty of a gross misdemeanor.

b. Each individual animal or bird unlawfully hunted, taken or possessed in violation of this chapter shall constitute a separate offense.

Section 2. Severability. Should any section, subsection, 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 pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3: Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

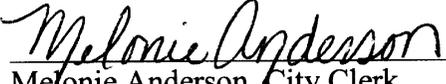
**ADOPTED BY THE CITY COUNCIL AT A SPECIAL MEETING
THEREOF ON THE 14TH DAY OF DECEMBER 2004**

CITY OF SAMMAMISH



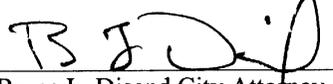
Mayor Kathleen Huckabay

ATTEST/AUTHENTICATED:



Melonie Anderson, City Clerk

APPROVED AS TO FORM:



Bruce L. Disend City Attorney

Filed with the City Clerk:	November 30, 2004
First Reading:	December 7, 2004
Passed by the City Council:	December 14, 2004
Date of Publication:	December 18, 2004
Effective Date:	December 23, 2004