ORDINANCE NO. 002-14

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, REPEALING PORT ORCHARD MUNICIPAL CODE SECTION 5.40.160 AND REMOVING THE PROHIBITION AGAINST PAWNSHOPS SELLING FIREARMS AMMUNITION

WHEREAS, Port Orchard Municipal Code section 5.40.160 prohibits pawnbrokers or pawnshops from the purchase, storage, sale or trade of firearms ammunition; and

WHEREAS, recent research on the issue has revealed that the State of Washington has fully occupied and preempted the field of firearms regulation, which includes the storage, sale and trade of firearms ammunition; and

WHEREAS, the State’s preemption of the field means the City can only regulate firearms and ammunition to the extent allowed by State law; and

WHERE, State law does not allow municipalities to adopt regulations restricting the storage, sale or trade of firearms ammunition by pawnbrokers or pawnshops; and

WHEREAS, Section 5.40.160 of the Port Orchard Municipal Code, in-so-far as it makes it unlawful for pawnbrokers or pawnshops to purchase, store, or offer for sale or trade, any firearms ammunition, violates State law and should be repealed; now, therefore,

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. Port Orchard Municipal Code Section 5.40.160 is hereby repealed in its entirety.

SECTION 2. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause or phrase of this ordinance.
SECTION 3. This ordinance shall be in full force and effect five (5) days after posting and publication as required by law. A summary of this Ordinance may be published in lieu of the entire ordinance, as authorized by State Law.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the City Clerk in authentication of such passage this 25th day of March 2014.

Timothy C. Matthes, Mayor

ATTEST:

Brandy Rinearson, City Clerk

APPROVED AS TO FORM: Sponsored by:

Gregory A. Jacoby, City Attorney

Rob Putaansuu, Councilmember
NOTICE OF CITY OF PORT ORCHARD
ORDINANCE

The following is a summary of an Ordinance approved by the Port Orchard City Council at their regular Council meeting held March 25, 2014.

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Copies of Ordinance No. 002-14 are available for review at the office of the City Clerk of the City of Port Orchard. Upon written request a statement of the full text of the Ordinance will be mailed to any interested person without charge. Thirty days after publication, copies of Ordinance No. 002-14 will be provided at a nominal charge.

City of Port Orchard

Brandy Rinearson
City Clerk

Publish: Port Orchard Independent
April 4, 2014