

**CITY OF WASILLA
ORDINANCE SERIAL NO. 09-26(SUB)**

AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING WMC 9.12.010, DISCHARGE OF FIREARMS PROHIBITED; WMC 9.12.020, DISCHARGE OF FIREARMS PERMITTED; WMC 16.04.070, DEFINITIONS; WMC 16.20.020, DISTRICT USE CHART; AND WMC 16.16.060, TO ADD A SUBSECTION K TO PROVIDE FOR OUTDOOR FIRING RANGES IN THE CITY OF WASILLA.

Section 1. Classification. This ordinance is of a general and permanent nature and shall become part of the city code.

Section 2. Amendment of section. WMC 9.12.010, Discharge of firearms prohibited, is hereby amended to read as follows:

9.12.010 Discharge of firearms prohibited.

Except as provided in Section 9.12.020, no [IT IS UNLAWFUL FOR ANY] person **may** [TO]:

A. Discharge **a** firearm[S] within the city limits, **or**;

B. Discharge a firearm on or across **a** lake[S] or [ANY] other body of water within the city limits; **or** [AND]

C. [DISCHARGE ANY FIREARM OR AIR RIFLE, ORI] **Intentionally** point or aim any firearm, [AIR RIFLE,] or other dangerous weapon, loaded or otherwise, at any person [PROVIDED THAT THIS SECTION SHALL NOT BE CONSTRUED TO PROHIBIT ANY OFFICER OF THE LAW FROM DISCHARGING A FIREARM IN THE PERFORMANCE OF HIS OR HER DUTY; NOR TO ANY CITIZEN FROM

Bold and underline, added. [CAPS AND BRACKETS, DELETED.]

DISCHARGING A FIREARM WHEN LAWFULLY DEFENDING PERSON OR PROPERTY, OR PREVENTING CRIME].

Section 3. Amendment of section. WMC 9.12.020, Discharge of firearms permitted, is hereby amended to read as follows:

9.12.020 Discharge of firearms permitted.

Section 9.12.010 does not prohibit the discharge of a firearm:

A. By a peace officer in the performance of his or her duty;

B. By any person when lawfully defending persons or property, or preventing crime; or

C. [FIREARMS MAY BE DISCHARGED] Within the corporate limits of the City at locations specifically designated by the Council. The safety of person(s) will come first at all times.

D. On a firing range for the general public permitted under Title 16:

- 1. in the industrial or public zoning districts.**
- 2. after obtaining Conditional Use Permit from the Planning Commission.**

Section 4. Amendment of section. WMC 16.04.070, Definitions, is hereby amended by adding definitions to read as follows:

"Firearm" is defined as provided in AS 11,81.900[26], as amended from time to time.

"Firing range" means a facility designed for the purpose of providing a place on which to discharge firearms.

Bold and underline, added. [CAPS AND BRACKETS, DELETED.]

Section 5. Amendment of section. WMC 16.16.060, Specific approval criteria, is hereby amended by adding a Subsection K to read as follows:

K. An outdoor firing range shall conform to the following standards:

1. Minimum lot area. The lot on which an outdoor firing range is located shall have a minimum area of 20 acres.

2. Setbacks. The area that includes the location where firearms are discharged, the line of fire, and the backstop, shall be set back at least 100 feet from:

a. any lot boundary; and

b. any structure intended for human occupancy, except for structures located behind the firing line.

3. Safety features. An outdoor firing range shall incorporate appropriate measures for the safety of users and the general public, including without limitation a backstop behind each target area consisting of an earth mound or dugout of sufficient dimension to stop projectiles, and fencing or an equally effective equivalent method of preventing casual access into the line of fire. Notwithstanding the above, a firing range for the purpose of shooting trap or skeet shall not be required to provide a backstop.

4. Accessory uses. An outdoor firing range may include accessory uses such as retail sales, snack shop, short-term

Bold and underline, added. [CAPS AND BRACKETS, DELETED.]

rental of firearms for use only on the premises. The sale of alcoholic beverages is prohibited.

Section 6. Amendment of section. WMC 16.20.020, District use chart, is amended by adding a row for "Firing Range, Outdoor" to the chart to read as follows:

Districts	RR Rural	R1 Single-Family	R2 Residential	RM Multifamily	C Commercial	I Industrial	P Public
Uses							
<u>Firing Range, Outdoor</u>	<u>EX</u>	<u>EX</u>	<u>EX</u>	<u>EX</u>	<u>EX</u>	<u>CU</u>	<u>CU</u>

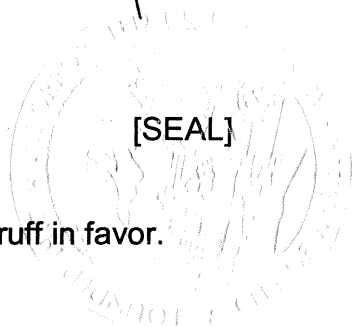
Section 7. Effective date. This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council on April 13, 2009.


 VERNE E. RUPRIGHT, Mayor

ATTEST:


 KRISTIE SMITHERS, MMC, City Clerk



[SEAL]

VOTE: Cox, Hall, Harris, Holler, Larson, and Woodruff in favor.

Bold and underline, added. [CAPS AND BRACKETS, DELETED.]





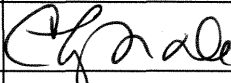


**CITY OF WASILLA
LEGISLATION STAFF REPORT**

RE: ORDINANCE SERIAL NO. 09-26: AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING WMC 9.12.010 DISCHARGE OF FIREARMS PROHIBITED; WMC 9.12.020 DISCHARGE OF FIREARMS PERMITTED; WMC 16.04.070, DEFINITIONS; WMC 16.020.020, DISTRICT USE CHART; AND WMC 16.16.060 TO ADD A SUBSECTION K TO PROVIDE FOR OUTDOOR FIRING RANGES IN THE CITY OF WASILLA.

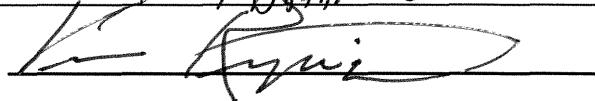
Agenda of: March 23, 2009

Date: March 12, 2009

Originator: Office of Community & Economic Development - Planning

Route to:	Department	Signature/Date
X	Police Chief Youth Court, Dispatch, Code Compliance	 3/16/09
X	Public Works & Recreation Facility Maintenance Director	 3/12/09
X	Finance, Risk Management & MIS Director Purchasing	 3/12/09
X	Deputy Administrator Planning, Economic Development, Human Resources	
X	City Clerk	

REVIEWED BY MAYOR VERNE E. RUPRIGHT:



FISCAL IMPACT: yes or no

Funds Available yes no

Account name/number:

Attachments: Proposed Ordinance No. 09-26 (4 pp)
WPC Resolution No. 09-05 (4 pp)

SUMMARY STATEMENT:

The City Planning Commission, at their meeting of February 10, 2009, adopted Resolution Serial No. 09-05 which recommends City Council adopt amendments to existing code and adopt new provisions for outdoor shooting ranges in the City of Wasilla.

STAFF RECOMMENDATION:

The City Council held a work session on March 9, 2009, where testimony was received and there was discussion after which changes were made to the Planning Commission recommendation. Staff recommends the City Council adopt Ordinance Serial No. 09-26.

By: Planning
Introduced: 01/27/09
Public Hearing: 02/10/09
Adopted: 02/10/09

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 09-05**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL ADOPT AMENDMENTS TO WMC 9.12.010 DISCHARGE OF FIREARMS PROHIBITED; WMC 9.12.020 DISCHARGE OF FIREARMS PERMITTED; WMC 16.04.070, DEFINITIONS; WMC 16.020.020, DISTRICT USE CHART; AND WMC 16.16.060 TO ADD K, 1, 2, 3, 4, 5, TO CODE PROVISIONS FOR OUTDOOR SHOOTING RANGES IN THE CITY OF WASILLA.

WHEREAS, the City of Wasilla ("City") strongly supports recreational opportunities within its boundaries that provides activities for its residents and the public; and

WHEREAS, the amendment to Title 16 improves upon prior language and to establish design and construction standards for outdoor shooting ranges in the City; and

WHEREAS, the Wasilla Planning Office published notice in local newspaper of general circulation; and

WHEREAS, the public hearing date and time was publicly advertised; and

WHEREAS, on January 27, 2009, the proposed code amendments were introduced to the Planning Commission; and

WHEREAS, on February 10, 2009, the Planning Commission held a public hearing on this request; and

WHEREAS, the Wasilla Planning Commission deliberated on this request taking into account the information and recommendations of the staff, public testimony, the applicable provisions of the Wasilla Comprehensive Plan, and other pertinent information brought before them; and

WHEREAS, on February 10, 2009, after due consideration, the Wasilla Planning Commission determined that the proposed code amendments and enactment of new code is consistent with the goals and policies of the City Comprehensive Plan; and

WHEREAS, WMC 9.12.010, Discharge of firearms prohibited, is amended to read as follows:

9.12.010 Discharge of firearms prohibited.

Except as provided in Section 9.12.020, no [IT IS UNLAWFUL FOR ANY] person may [TO]:

A. Discharge a firearm[S] within the city limits, or;

B. Discharge a firearm on or across a lake[S] or [ANY]other body of water within the city limits; or [AND]

C. [DISCHARGE ANY FIREARM OR AIR RIFLE, OR I]Intentionally point or aim any firearm, [AIR RIFLE,] or other dangerous weapon, loaded or otherwise, at any person [PROVIDED THAT THIS SECTION SHALL NOT BE CONSTRUED TO PROHIBIT ANY OFFICER OF THE LAW FROM DISCHARGING A FIREARM IN THE PERFORMANCE OF HIS OR HER DUTY; NOR TO ANY CITIZEN FROM DISCHARGING A FIREARM WHEN LAWFULLY DEFENDING PERSON OR PROPERTY, OR PREVENTING CRIME].

WHEREAS, WMC 9.12.020, Discharge of firearms permitted, is amended to read as follows:

9.12.020 Discharge of firearms permitted.

Section 9.12.010 does not prohibit the discharge of a firearm:

A. By a peace officer in the performance of his or her duty;

B. By any person when lawfully defending person or property, or preventing crime; or

C. On an outdoor shooting range permitted under Title 16 [FIREARMS

MAY BE DISCHARGED WITHIN THE CORPORATE LIMITS OF THE CITY AT LOCATIONS SPECIFICALLY DESIGNATED BY THE COUNCIL. THE SAFETY OF PERSON(S) WILL COME FIRST AT ALL TIMES].

WHEREAS, WMC 16.04.070, Definitions, is hereby amended to read as follows:

"Firearm" means a weapon including a pistol, revolver, rifle, shotgun, or gun, designed for discharging a shot by any means.

"Shooting range, outdoor" means a use involving the discharge of firearms for target, skeet or trap shooting.

WHEREAS, WMC 16.20.020, District use chart, is hereby amended to read as follows:

Districts	RR Rural	R1 Single-Family	R2 Residential	RM Multifamily	C Commercial	I Industrial	P Public
Uses							
<u>Shooting Range, Outdoor</u>	<u>EX</u>	<u>EX</u>	<u>EX</u>	<u>EX</u>	<u>EX</u>	<u>CU</u>	<u>CU</u>

WHEREAS, WMC 16.16.060, Specific approval criteria, is hereby amended to read as follows:

K. An outdoor shooting range shall conform to the following standards:

1. Minimum lot area. The lot on which an outdoor shooting range is located shall have a minimum area of 20 acres.

2. Setbacks. The area that includes the location where firearms are discharged, the line of fire, and the backstop, shall be set

back at least 100 feet from:

a. any lot boundary; and

b. any structure intended for human occupancy, except for structures located behind the firing line.

3. Safety features. An outdoor shooting range shall incorporate appropriate measures for the safety of users and the general public, including without limitation a backstop behind each target area consisting of an earth mound or dugout of sufficient dimension to stop projectiles, and fencing or an equally effective equivalent method of preventing casual access into the line of fire.

4. Accessory uses. An outdoor shooting range may include accessory uses such as retail sales, snack shop, short-term rental of firearms for use only on the premises. The sale of alcoholic beverages is prohibited.

NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission approves of these code amendments and enactment of the proposed new code and hereby forwards their support for adoption of this code to the Wasilla City Council.

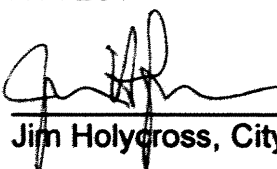
ADOPTED by the Wasilla Planning Commission on February 10, 2009.

APPROVED:



Stan Tucker, Chairman

ATTEST:



Jim Holycross, City Planner

VOTE: Passed Unanimously