

CITY OF UNALASKA
UNALASKA, ALASKA

ORDINANCE 2020-14

AN ORDINANCE OF THE UNALASKA CITY COUNCIL AMENDING UNALASKA CODE OF ORDINANCES § 13.08.010, DISCHARGE OF FIREARMS IN CITY

BE IT ENACTED BY THE UNALASKA CITY COUNCIL, as follows:

Section 1: This is a Code Ordinance.

Section 2: Unalaska Code of Ordinances § 13.08.010(A) is amended to read as follows (new language is underlined; and language to be deleted is ~~overstruck~~); and adding a new sections (C) and (D):

§13.08.010 DISCHARGE OF FIREARMS IN CITY

- (A) It shall be unlawful for any person to discharge any firearm in the corporate limits of the City of Unalaska except at an established and City recognized ~~the municipal shooting range in accordance with the rules and regulations of the established shooting range under the supervision of the designated range master.~~
- (B) Nothing in the ordinance shall be deemed to prevent any person who has obtained a hunting license according to AS 16.05.330(a) from engaging in hunting in accordance with law in the areas annexed to the City of Unalaska in 1986.
- (C) This ordinance does not abridge the rights of individuals granted by the United States Constitution, the Constitution of the State of Alaska or AS 29.35.145 as it relates to persons discharging firearms in justifiable defense of self, of others or of property, in accordance with law.
- (D) The prohibitions stated in this ordinance shall not apply to federal, state, municipal law enforcement officers or military personnel in the performance of their duties.


Section 3: Effective Date. This ordinance is effective upon passage.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on August 11, 2020.


Vincent M. Tutiakoff, Sr.

Mayor

ATTEST:


Marjie Veeder, CMC
City Clerk



MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
Through: Erin Reinders, City Manager
From: Jay King, Director of Public Safety
Date: August 11, 2020
Re: Ordinance 2020-14: Amending Unalaska Code of Ordinances § 13.08.010,
Discharge of Firearms in City

SUMMARY: An amendment of UCO 13.08.010(A) is recommended by staff to:

- Clarify the location within city limits where firearms may be legally discharged; and that the City of Unalaska is not involved with the oversight or operation of the local shooting range;
- Remove the requirement that shooting take place under the supervision of the designated range master;
- Add language allowing the discharge of firearms by peace officers in the line of duty; and
- Add language clarifying that this does not interfere with the right to discharge of firearms in justifiable defense of self, others or property.

PREVIOUS COUNCIL ACTION: This section of code was last amended in July 2016 to remove the phrase “pellet or B.B. gun” from the definition of a firearm.

The first reading of the draft Ordinance 2020-14 was accomplished on July 28, 2020. Council Member Bell suggested the word “insured” be removed in reference to an organized shooting range because the requirement of insurance is a matter best left to the landlord and tenant, rather than a requirement imposed in code. There was general consensus around addressing this issue. Council members also felt that an exception needed to be added to allow police officers to lawfully discharge weapons in the course of their duties within city limits and they had questions about still being able to hunt. Staff looked into these issues and revised the proposed Ordinance accordingly.

BACKGROUND: Ounalashka Corporation (OC) is the landlord for the Aleutian Rod and Gun Club, the non-profit organization operating the shooting range in Unalaska for more than 20 years. Staff from OC contacted the City’s Planning Department in 2019, wanting to confirm they and their tenant were in compliance with zoning ordinances as well as City Code. The attached Planning Determination documents their compliance with zoning ordinances, but it was determined by Staff that a change in UCO 13.08.010(A) was advisable. The present wording appears to restrict members of the public from legally discharging firearms inside City limits “except at the municipal shooting range, under the supervision of the designated range master.”

DISCUSSION: It is understood that the original range exemption cited in City Code did not intend for the City of Unalaska (municipality) to oversee or be involved with the operation of a shooting facility. Unfortunately the words “municipal shooting range” were used when the intent was to create an exception in code allowing shooting enthusiasts to legally discharge firearms in a controlled and safe environment at an established shooting range.

The only shooting range operating in Unalaska is a long-term private club range, and is not a “municipal” shooting range, and has never been operated by the City of Unalaska. Further, that entity’s current range policy does not require the immediate supervision of a range master to be on hand when their members are actively discharging firearms. The presence of a “range master” has never been that club’s practice.

With this in mind, changing the wording of the ordinance to allow for firearms to be lawfully discharged at a “City recognized and established shooting range”, and eliminating the reference to the supervision of a range master, would clarify what has been a long time practice in Unalaska, and would remove any notion that the City (municipality) has any hand in operating or overseeing this private organization, or future organizations that may open a shooting range but must be approved and recognized by the City of Unalaska. The phrase “City recognized” is refers to existing zoning and business license requirements.

The wording in the draft ordinance has been revised from the first reading to address issues discussed at the July 28, 2020 and additional research. The draft ordinance now includes the existing wording that allows for hunting in certain areas (with no change), and includes proposed wording addressing what is currently in State statute regarding self-defense and law enforcement activities.

ALTERNATIVES: Council may choose to do nothing and allow the current language to stand and leave it to the Department of Public Safety to file charges for potential violations in accordance to good faith and the intent of the current language.

FINANCIAL IMPLICATIONS: None.

LEGAL: None.

STAFF RECOMMENDATION: Staff recommends approval.

PROPOSED MOTION: I move to adopt Ordinance 2020-14.

CITY MANAGER COMMENTS: I support staff recommendation.

ATTACHMENTS: Planning Determination dated November 18, 2019

CITY OF UNALASKA
DEPARTMENT OF PLANNING
UNALASKA, ALASKA

PLANNING DETERMINATION

DETERMINATION:

**RECOGNIZING THE ALEUTIAN ROD AND GUN CLUB RANGE AS AN ACCEPTABLE USE
IN A MARINE RELATED INDUSTRIAL ZONE**

CURRENT PROPERTY OWNER:
**Ounalashka Corporation
PO Box 149
Unalaska, AK 99685**

ASSOCIATED DOCUMENT: N/A

LEGAL DESCRIPTION: **A Portion of the South-West Quadrant of Section 27, Township 72S,
Range 117W, Seward Meridian**

TAX LOT ID NO.:
01-09-500

PHYSICAL ADDRESS:
**180 ADOT ACCESS ROAD,
Unalaska, Alaska 99685**

WHEREAS, the unsubdivided property on Ballyhoo Mountain aside from the National Park Service land area is zoned Marine Related Industrial; and

WHEREAS, UCO 8.12.080 (B)(20) states "Uses permitted in the Public/Quasi-Public District" are included in by-right uses in the Marine Related Industrial Zone; and

WHEREAS, UCO 8.12.120 (B)(6) states "Park and recreation facilities" are included in the by-right uses in the Public/Quasi-Public Zone;

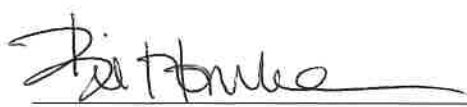
WHEREAS, a gun range is generally accepted to be a recreation facility or use; and the gun range has existed on this site for over 20 years; and

WHEREAS, UCO 8.12.220 allows for the Director of Planning to make a Planning Determination for unlisted by-right uses that meet the purposes and intent of the zone; and

WHEREAS, the provision allowing for Public/Quasi-Public uses allows for recreational uses supports the Purpose and Intent; and

WHEREAS, allowing the use of the gun range in this zone is in keeping with the Code and the Comprehensive Plan, and will not materially affect the health, safety and welfare of the surrounding neighborhood, as the site was specifically chosen for safety reasons.

THEREFORE BE IT RESOLVED, the Aleutian Rod and Gun Club Range to be an approved use within the Marine Related Industrial zoning category at this specific site.


Bil Homka, AICP
Planning Director

Date 11-18-19