

BEFORE THE BOARD OF COLUMBIA COUNTY COMMISSIONERS

ORDINANCE NO. 07-03

**DESTRUCTION AND DISPOSITION OF RECOVERED, FORFEITED
AND SURPLUS FIREARMS.**

THE BOARD OF COMMISSIONERS OF COLUMBIA COUNTY DO ORDAIN AS
FOLLOWS:

SECTION 1. Definitions as used in this ordinance:

(a) "Antique firearms" means those firearms as defined by RCW 9.41.010 and a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(b) "Firearms of potential value" means any rifle, shotgun or handgun:

- (1) Accepted as a duty weapon, or any type, make, model and caliber normally used by law enforcement; and
- (2) Manufactured after 1945 which has a current version in production after 1975; and
- (3) Is reasonably expected to have a value at trade-in excess of two hundred dollars (\$200) each; and
- (4) Conditioned to operate legally and safely; and
- (5) Graded as "Good" or better according to National Rifle Association grading scales; and
- (6) Is a handgun manufactured by Smith and Wesson, Colt, Ruger, Beretta, Browning, Walther, Sig/Sauer, Heckler & Koch, Glock, Dan Wesson, Steyer and any nationally recognized brand name of custom manufactured pistols retailing in excess of five hundred dollars (\$500), such as Les Baer, Wilson and the like.

(c) The following firearms are declared to have no potential value for purposes of this ordinance:

- (1) Any forfeited firearm used in a crime of violence, as defined in RCW 9.41.010, regardless of actual or apparent value;
- (2) Any firearm contaminated by biohazardous material, regardless of actual or apparent value;
- (3) Any .22 caliber rifle, except those constituting an antique, curio or collector's item;
- (4) Handguns manufactured by Charter Arms, Harrington and Richardson, Rohm/RG, Rossi, Taurus, Iver Johnson, High Standard and other similar lower value weapons; handguns considered as "assault" type handguns such as the Ingram/Cobray/RPB models M-10 or M-11, Intratec Tech 9, Wilkinson "Linda" or "Diane" and other similar rapid fire semiautomatic handguns normally manufactured and intended to use magazines with capacities in excess of twenty (20) rounds; or handguns manufactured by another but sold under "house" names by department stores and/or discount stores; and/or all handguns caliber .25ACP or smaller with barrels less than four (4) inches in length, and, which are not classified as antiques or as curios, relics or collectors arms per the list maintained by the United States Treasury Department, Bureau of Alcohol, Tobacco and Firearms, do not have potential value.

(d) "Machine gun" means those firearms as defined in RCW 9.41.010 and any firearm, weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument and fired therefrom at the rate of five (5) or more shots per second.

(e) "Retired duty weapon" means a surplus firearm, previously purchased, or converted to official use in accordance with RCW 63.40.010 by Columbia County and assigned to a particular deputy sheriff as his or her duty weapon and made available to such deputy at retirement.

(f) "Rifles and shotguns" means those firearms defined in RCW 9.41.010 and any firearm with a barrel length of twelve (12) inches or longer and an overall length of twenty-six (26) inches or longer, but shall not include machine guns as defined in this section.

(g) "Surplus firearms" means any firearm previously purchased or converted to official use in accordance with RCW 63.40.010 by Columbia County for use by the Columbia County Sheriff's Department that are no longer serviceable, will be retired or will become surplus as a result of the department's upgrading to newer weapons for duty service.

SECTION 2. Inventory, Destruction and Disposition.

(a) Within thirty (30) days of the effective date of this section or by December 31, 2007, whichever shall last occur, the sheriff shall have prepared an inventory of every firearm (i) that has been judicially forfeited; (ii) that has been seized and may be subject to judicial forfeiture; (iii) that has been, or may be, forfeited due to a failure to make a claim under RCW 63.32.010, 63.35.020, or 63.40.010; (iv) that is no longer needed for evidence; or (v) has been identified as a retired duty weapon. This inventory shall be updated annually and include a report on the destruction, disposal and retirement of firearms included in the inventory.

(b) The sheriff shall destroy every firearm in the inventory, according to the plan in subsection 3 of this section as approved by the board of county commissioners, except that:

- (1) The sheriff may retain legally forfeited firearms solely for use by the sheriff's office or other law enforcement agency.
- (2) The sheriff shall sell, trade, auction or arrange for the auction of legal rifles and shotguns of potential value.
- (3) Antique firearms, curios and collector's items are exempt from destruction and shall be disposed of by sale, auction or trade to commercial sellers.
- (4) Surplus firearms and handguns of potential value may be offered for sale or as trade-in to licensed law enforcement equipment dealers for the sole purpose of acquiring new firearms and related equipment for use by commissioned deputy sheriffs. If not offered for sale or as trade-in, they shall be destroyed.
- (5) Notwithstanding any contrary provision of this chapter, retired duty weapons may be offered for retail value to particular sheriff's deputies upon their retirement. If not retired, such weapons shall be retained for use by the Columbia County Sheriff's Department until they are otherwise classified and disposed of as surplus firearms.
- (6) All cash proceeds from sales to or by licensed firearms dealers or from retiring deputies shall be paid to the County's general fund.


SECTION 3. Report Required. The sheriff shall submit a report to the board of county commissioners, within the time specified in subsection 2, on the inventory of firearms under subsection 2 which shall include a plan for the destruction or disposal of all firearms in the inventory.

SECTION 4. Severability. Should any portion or part of this ordinance be deemed void or illegal, all remaining portions or parts shall still have full force and effect.

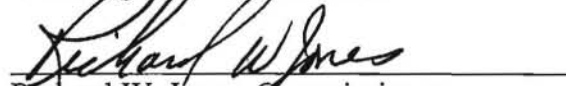
SECTION 5. Effective date. This ordinance shall take effect upon its passage, approval and publication.

PASSED AND ADOPTED by the Board of Commissioners of Columbia County, at a meeting thereof this 17th day of December, 2007.

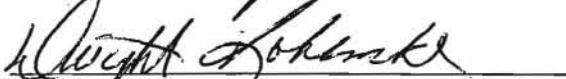
**BOARD OF COUNTY COMMISSIONERS
COLUMBIA COUNTY, WASHINGTON**



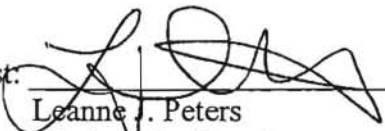
Charles G. Reeves, Chairman



Richard W. Jones, Commissioner



Dwight Robanske, Commissioner

Attest: 

Leanne J. Peters
Clerk of the Board

BEFORE THE BOARD OF COLUMBIA COUNTY COMMISSIONERS

In the Matter of Columbia County)
Ordinance for the Destruction and)
Disposition of Recovered, Forfeited)
And Surplus Firearms)
RESOLUTION 2007-24

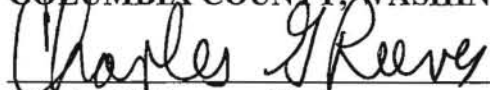
WHEREAS, the Revised Code of Washington section 9.41.098 (and any amendments or modifications thereto) permits firearms that are: (i) Judicially forfeited and no longer needed for evidence; or (ii) forfeited due to failure to make a legal and valid claim may be disposed of in any manner determined by the local legislative authority and that any proceeds of an auction or trade may be retained by the legislative authority;

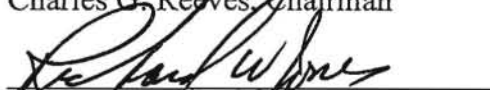
WHEREAS, the Columbia Board of County Commissioners find that the most effective and efficient way to dispose of said firearms is require the Columbia County Sheriff's Office to develop and implement a plan to dispose of said firearms in a safe, efficient and effective manner and to ensure the integrity of evidence in criminal matters,


NOW, THEREFORE, BE IT HEREBY RESOLVED, the County shall ordain Ordinance No. 07-03 for the destruction and disposition of recovered, forfeited and surplus firearms.

PASSED AND ADOPTED by the Board of Commissioner for Columbia County, Washington State upon execution below:

**BOARD OF COUNTY COMMISSIONER
COLUMBIA COUNTY, WASHINGTON**


Charles G. Reeves, Chairman


Richard W. Jones, Commissioner


Dwight Robanske, Commissioner

Attest. 
Leanne J. Peters
Clerk of Board

Return Address:

Columbia County Commissioners
341 E Main Street
Dayton, WA 99328

Document Title:

Ordinance 07-03

Grantor:

Columiba County

Grantee:

The Public

Legal Description:

N/A

Assessor's Property Tax Parcel/Account Number:

N/A

FILED FOR RECORD

DEC 18 2007 AT 12:30 PM
COLUMBIA COUNTY AUDITOR
DAYTON, WASHINGTON

FILE NO. 29759

RECEIVED

DEC 28 2007

COMMISSIONERS

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