

# **Bond Case Briefs**

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## **MUNICIPAL ORDINANCE - WASHINGTON**

### **City of Edmonds v. Bass**

**Court of Appeals of Washington, Division 1 - February 22, 2021 - P.3d - 2021 WL 672333**

Individual gun owners brought action challenging city ordinance that made it a civil infraction to allow a minor, at-risk person, or prohibited person access to a firearm that was not secured by a locking device, or to store unlocked any firearm.

The Superior Court granted gun owners' motion for summary judgment in part, and permanently enjoined city from enforcing ordinance provision that made it a civil infraction if a minor, at-risk person, or prohibited person obtained a firearm from an owner's premises that was not secured by a locking device. City appealed.

The Court of Appeals held that:

- Gun owners had standing to challenge city ordinance, and
- City ordinance was preempted by state statute that preempted the entire field of firearms regulation within the boundaries of the state.

Individual gun owners had standing to challenge city ordinance that made it a civil infraction to allow a minor, at-risk person, or prohibited person access to a firearm that was not secured by a locking device, or to store unlocked any firearm, even if gun owners had no intention of violating the ordinance; whether the provision was preempted by state law was an issue of public importance, and the gun owners testified that they had an interest in keeping their firearms unsecured in the presence of unauthorized users, and they would have to deviate from their storage practices to avoid violating the ordinance.

City ordinance that made it a civil infraction to allow a minor, at-risk person, or prohibited person access to a firearm that was not secured by a locking device, or to store unlocked any firearm, was preempted by state statute that preempted the entire field of firearms regulation within the boundaries of the state; the legislature expressed its intent to fully occupy and preempt the entire field of firearms regulation.