

ORDINANCE 4209

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING CHAPTER 11.16A OF THE KIRKLAND MUNICIPAL CODE, "DEFENSES," AND AMENDING KIRKLAND MUNICIPAL CODE 11.36A.080 DEFINING ASSAULT.

The City Council of the City of Kirkland do ordain as follows:

Section 1. Kirkland Municipal Code Chapter 11.16A is amended to read as follows:

**Chapter 11.16A
DEFENSES**

Sections:

- 11.16A.010 Definitions.
- 11.16A.020 Use of force—When lawful.
- 11.16A.060 Duress.
- 11.16A.070 Entrapment.
- 11.16A.080 Use of Force on Children – Actions presumed unreasonable.

Kirkland Municipal Code Section	Section caption	RCW Section adopted by reference
11.16A.010	Definitions.	9A.16.010
11.16A.020	Use of force—When lawful.	9A.16.020
11.16A.020(1)		9A.16.020(1)
11.16A.020(3)		9A.16.020(3)
11.16A.020(5)		9A.16.020(5)
11.16A.060	Duress.	9A.16.060
11.16A.060(1)		9A.16.060(1)
11.16A.060(3)		9A.16.060(3)
11.16A.060(4)		9A.16.060(4)
11.16A.070	Entrapment.	9A.16.070
<u>11.36A.040</u>	<u>Use of force on children – Actions presumed unreasonable.</u>	<u>9A.16.100</u>

Section 2. Kirkland Municipal Code Section 11.36A.080 is hereby amended to read as follows:

11.36A.080 Assault defined.

An assault is an act, with unlawful force, done with intent to inflict bodily injury upon another, tending, but failing to accomplish it, and accompanied with the apparent present ability to inflict the bodily injury if not prevented. It is not necessary that bodily injury be inflicted but it is sufficient if an apprehension and fear of bodily injury is created in another.

An assault is also an intentional touching or striking or cutting or shooting of the person or body of another, with unlawful force, regardless of whether any actual physical harm is done to the other person.

An assault is also an intentional act, with unlawful force, which creates in another a reasonable apprehension and fear of bodily injury even though the actor did not actually intend to inflict bodily injury.

Section 3. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 4. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this 20th day of October, 2009.


Signed in authentication thereof this 20th day of October, 2009.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney