

ORDINANCE NO. 2090

AN ORDINANCE RELATING TO AND REGULATING THE SALE AND POSSESSION OF FIREARMS IN THE CITY OF KIRKLAND, DEFINING OFFENSES, PRESCRIBING PENALTIES AND REPEALING ORDINANCE NO. 1157 OF THE CITY OF KIRKLAND.

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

Section 1. The following words and phrases used herein shall be construed as follows:

(a) Pistol - means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion, or otherwise, and having a barrel less than 12 inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and held as collector's items.

(b) Crime of Violence- means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary, and kidnapping.

(c) Fugitive from Justice - means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

Section 2: No person shall carry a pistol in any vehicle unless it is unloaded, or carry a pistol concealed on his person except in his place of abode or fixed place of business, without a license therefor obtained pursuant to Chapter 9.41, Revised Code of Washington.

Section 3: In addition to the other requirements of this ordinance, no seller shall deliver a pistol to the purchaser thereof until 72 hours have elapsed from the time of the application for the purchase thereof as provided herein, and when delivered, said pistol shall be securely wrapped and shall be unloaded.

Section 4: At the time of applying for the purchase of a pistol, the purchaser shall sign in duplicate and deliver to the seller an application containing his full name, address, occupation, place of birth, and the date and hour of the application; and a description of the weapon including the make, model, caliber and manufacturer's number; and a statement that he has never been convicted in this State or elsewhere of a crime of violence, drug addiction or habitual

has been drunkenness, or ~~is~~ legally judged to be of unsound mind. The seller shall, by the end of the business day, sign and attach his address and deliver the original of such application to the Chief of Police of the City of Kirkland. The seller shall deliver the pistol to the purchaser following 72 hours thereafter, unless the seller is notified in writing by the Chief of Police of the City of Kirkland of denial. The application shall not be denied unless the purchaser has been convicted in this State or elsewhere, of a crime of violence, drug addiction or habitual drunkenness, or is legally judged to be of unsound mind. The Chief of Police for the City of Kirkland shall maintain a file containing the original of the application to purchase a pistol.

Section 5: Any person whose application to purchase a pistol, as provided in Section 4 above, is denied, shall have a right to appeal to the City Council of the City of Kirkland for a review of the denial at a public hearing to be conducted within 15 days after denial. It shall be the duty of the law enforcement officer recommending the denial to appear at said hearing and to present proof relating to the grounds for denial. In the event that the evidence so presented does not sustain one of the grounds for denial as enumerated in this ordinance, the legislative authority shall authorize the sale.

Any person aggrieved by a determination of the City Council not to permit the sale of such weapon is entitled to judicial review by the Superior Court of the State of Washington for King County.

Section 6: No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as a dealer pursuant to Chapter 9.41, Revised Code of Washington.

Section 7: No pistol shall be sold in violation of any provisions of this ordinance, nor shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity. Sales by wholesalers to dealers and the sale of antique pistols as herein defined shall be exempt from the provisions of this ordinance.

Section 8: Any person violating or failing to comply with any of the provisions of this ordinance shall, upon conviction thereof, be fined in a sum of not to exceed \$500, or imprisoned in the City Jail for a term of not to exceed 180 days, or both so fined and imprisoned.

Section 9: Ordinance No. 1157 of the City of Kirkland entitled, "An ordinance relating to and regulating the sale of pistols in the City of Kirkland, defining offenses, and prescribing penalties" be, and it hereby is repealed.

Section 10: It shall be unlawful for any person prohibited from possessing a firearm (as therein defined) under Title VII of the "Omnibus Crime Control and Safe Streets Act of 1968" as Amended by Title III of the "Gun Control Act of 1968" (Sections 1201 through 1203 inclusive) to possess such a firearm within the corporate limits of the City of Kirkland.

Section 11: It shall be unlawful for any person subject to the licensing requirements of RCW 9.41.170 relating to non-citizens of the United States to carry or possess any shotgun, rifle or other firearm without first obtaining such license.

Section 12: Should any section, clause or provision of this ordinance be declared by a Court of competent jurisdiction to be invalid, the same shall not effect the validity of the ordinance as a whole or any part thereof other than the parts so declared invalid.

Section 13: This ordinance shall be in force and take effect five days from and after its passage by the Council and publication as required by law.

PASSED by the City Council of the City of Kirkland at regular meeting on the 5th day of January, 1970.

SIGNED in authentication thereof on the 5th day of January, 1970.



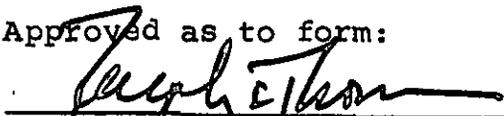
Mayor

Attest:



Director of Administration and Finance
(ex officio City Clerk)

Approved as to form:



City Attorney

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