

ORDINANCE NO. 2768

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO FIREARMS AND REVISING SERIOUS CRIME DESIGNATIONS.

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. Chapter 11.28 of the Kirkland Municipal Code, entitled FIREARMS AND WEAPONS, and Chapter 11.41 of the Kirkland Municipal Code, entitled FIREARMS AND DANGEROUS WEAPONS, are hereby repealed.

Section 2. There is hereby created a new chapter to be known as Chapter 11.41, entitled FIREARMS AND WEAPONS, and to read as follows:

11.41:010 Definitions. (1) "Short firearm" or "pistol" as used in this chapter means any firearm with a barrel less than twelve inches in length, excluding pistols and revolvers manufactured prior to 1898 which are held as collector's items. (2) "Firearm" as used in this chapter means a weapon or device from which a projectile may be fired by an explosive such as gun powder or other chemical combustion.

(S) 11.41.020 Carrying concealed weapon--license required. It is unlawful for any person to carry a pistol or short firearm in a vehicle or concealed on or about his or her person, without a valid license therefor issued as provided in RCW Chapter 9.41, as last amended by Chapter 232, Laws of 1983, except in his or her place of abode or fixed place of business.

(S) 11.41.030 False information. RCW 9.41.130 is adopted by reference.

11.41.040 Exception to concealed weapon restriction. RCW 9.41.060 is adopted by reference, provided that it shall operate as an exception to KMC 11.41.020.

(S) 11.41.050 Unlawful use of weapons--Exceptions. RCW 9.41.270(1) and (3) are adopted by reference, provided that violation of subsection (1) of this section shall be a serious crime.

11.41.060 Weapons banned in certain places. Notwithstanding KMC 11.41.020, it is unlawful for any person to

possess a firearm in any place where intoxicating liquor is sold for consumption on the premises, in public parks, on public or private school grounds, in the Kirkland City Hall, or in the Kirkland Police Department, except the public entrance area thereto; provided that RCW 9.41.270(3) is adopted as exception to KMC 11.41.060.

11.41.070 Confiscation of firearms. A Kirkland police officer shall have the authority granted in subsection (4) of Section 6, Chapter 232, Laws of 1983, under the circumstances set forth in subsection (1) of Section 6, Chapter 232, Laws of 1983 or KMC 11.41.060.

11.41.080 Non-citizens--license required. RCW 9.41.170 is adopted by reference, provided that, RCW 9.41.270(3) is adopted as exception to KMC 11.41.080.

11.41.090 Delivery to minors and other forbidden. RCW 9.41.080 is adopted by reference.

11.41.100 Use of firearms by minor. RCW 9.41.240 is adopted by reference.

(S) 11.41.110 Loaded firearms in vehicles. RCW 77.16.250 is adopted by reference.

(S) 11.41.120 Aiming or discharging firearms. It is unlawful for any person to aim any pistol or other firearm, whether loaded or not, at or towards any human being, without lawful authority, or to wilfully discharge any firearm or other weapon, or throw any deadly missile in a public place, or in any place where any person might be endangered thereby, without lawful authority.

11.41.125 Discharging firearms in City. Any person who shall fire off or discharge any gun, pistol or firearm of any kind within the city limits, without lawful authority, under circumstances not amounting to a violation of KMC 11.41.120, shall be guilty of discharging firearms in City.

(S) 11.41.130 Possession of firearms by prohibited persons unlawful. It is 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" (Section 1201 through 1203 inclusive) to possess such a firearm within the corporate limits of the city.

11.41.140 Air gun defined. As used in this chapter, "air gun" means and includes the following:

Air gun, air pistol, air rifle, BB gun and toy guns of any kind or nature when so designed, contrived, modified, and used to propel, by compressed air or spring loaded plunger, any pellet, dart, hard-tipped arrow, bean, pea, BB, rock or other hard substance a distance of more than twenty-five feet with sufficient force to break windows or inflict injury upon persons or animals.

11.41.150 Possession of air guns. Except as hereinafter provided, it is unlawful:

(1) For any person under sixteen years of age to carry or shoot any air gun within the city when not in the presence of his parent or other adult in loco parentis and under the direction and control of such adult;

(2) For any parent or person in loco parentis to allow, give or permit the possession of any air gun, falling within the definition contained in Section 11.41.140 to any child under the age of sixteen years, except under the provisions of subsection (1) above;

(3) For any person to point or shoot an air gun at any person or property of another, or to aim or discharge such weapons in the direction of the person or residence of another, while within such range as to cause or inflict injury to the person or damage the property of another;

(4) For any person to point or shoot an air gun in the direction of, while within such range as to kill, injure, or disturb any nongame bird or harmless or songbird;

(5) For any merchant to sell or rent any air guns to minors under sixteen years of age, except when such minor is in the presence of his parent or other adult in charge of such child.

Provided further that the provisions of Sections 11.41.150(3) and 11.41.150(4) shall not prohibit the use of such weapons by a person over sixteen years of age, when such use is reasonably necessary and represents reasonable force in the protection of the person or property of the user or another.

11.41.160 Exceptions. The provisions of Section 11.41.150(1) and (2) shall not apply:

(1) When such minor is possessing or using such weapons on a gun range operated or conducted by any school, educational institution or other regulated group, pursuant to rules and regulations provided by the chief of police or city ordinance and licensed by the city; or

(2) When such minor is possessing or using such air gun within a regulated or supervised course or range provided by the city park department, under regulations or ordinances duly promulgated and adopted therefor; or

(3) When such minor is carrying such weapon unloaded and otherwise properly dismantled, to and from such licensed or authorized course; or

(4) When confined to an area within the property of the parents of such minor which complies with the regulations relating to private practice or target ranges as promulgated by the chief of police.

11.41.170 Penalty for violations of air gun regulations. Any person convicted of violation of the provisions of Sections 11.41.150 and 11.41.160 shall be punished as provided in Section 1.04.010 of this code, and the weapon so used in violation of the provisions hereof shall be confiscated by the court.

Section 3. KMC 11.36A.140 is hereby amended as follows:

(S) 11.36A.140 Court--Duties. RCW 10.99.040 is adopted by reference as amended by Section 7, Chapter 232, Laws of 1983; provided that wilful violation of a court order issued as provided for therein is a serious crime. The written order provided for in RCW 10.99.040(2) shall bear the legend: Violation of this order is a criminal offense under KMC 11.36A.140.

Section 4. KMC 11.36A.145 is hereby amended as follows:

11.36A.145 Defendant--Appearances by. RCW 10.99.045 is adopted by reference as amended by Section 8, Chapter 232, Laws of 1983.

Section 5. KMC 11.36A.150 is hereby amended as follows:

(S) 11.36A.150 Sentencing--No contact order. RCW 10.99.150 is adopted by reference, provided that wilful violation of a court order issued under this section is a serious crime. The written order provided for in RCW 10.99.050 shall bear the legend: violation of this order is a criminal offense under KMC 11.36A.150.

Section 6. KMC 11.36A.155 is hereby amended as follows:

11.36A.155 No contact order--Enforcement. RCW 10.99.055 is adopted by reference as amended by Section 9, Chapter 232, Laws of 1983.

Section 7. KMC 11.04A.130 is hereby amended as follows:

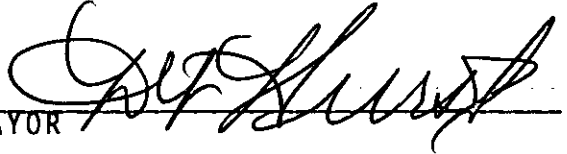
11:04A.130 Serious crimes designated. Pursuant to Section 1.04.010 of this code, the following sections are designated as serious crimes: 11.12.010, 11.20.010; 11.24.010; 11.24.020; 11.24.050; 11.24.070; 11.24.080; 11.24.110; [~~11.28.020;~~ ~~11.28.030;~~ ~~11.28.040;~~ ~~11.28.050;~~ ~~11.28.110;~~ ~~11.28.170;~~ ~~11.28.190;~~] 11.36.020; 11.36.050; 11.36.060; 11.36.100; 11.36A.140; 11.36A.150; 11.41.020; 11.41.030; 11.41.050; 11.41.110; 11.41.120; 11.41.130; 11.44.030; 11.44.040; 11.44.050; 11.44.070; 11.44.080; 11.44.120; [~~11.52.010;~~ ~~11.52.020;~~ ~~11.52.050;~~] 11.60.010; 11.80.050; 11.80.060; 11.80.070; 11.80.080; 11.80.150; 11.80.180; 11.80.210; 11.80.230.

Section 8. Severability. 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.

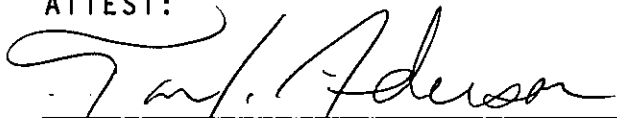
Section 9. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and posting or publication, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 7th day of November, 1983.

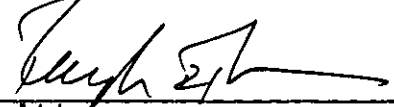
Signed in authentication thereof this 7th day of November, 1983.


MAYOR

ATTEST:



Director of Administration & Finance
(ex officio City Clerk)

APPROVED AS TO FORM:


City Attorney

CERTIFICATION OF POSTING

I hereby certify under penalty of perjury that the foregoing ordinance was posted on the 8th day of November, 1983 in accordance with the provisions of RCW 35A.12.160 and City of Kirkland Ordinance No. 2600.


Clerk