

ORDINANCE O-4799

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE CRIMINAL CODE, FIREARMS AND WEAPONS, LIMITATIONS ON OPEN CARRY OF FIREARMS AND OTHER WEAPONS, AND ADOPTING A REFERENCE TO RCW 9.31.305 TO ADD A MISDEMEANOR CRIME TO THE CRIMINAL CODE.

1           WHEREAS, Engrossed Substitute House Bill 1630 (ESHB  
2 1630), Chapter 106, Laws of 2022 and now codified in relevant  
3 part at RCW 9.41.305, went into effect on June 9, 2022 and makes  
4 it unlawful and a misdemeanor crime for any person to knowingly  
5 open carry a firearm or other weapon, as defined by RCW  
6 9.41.300(1)(b), while knowingly being in any city buildings used  
7 in connection with a governing body of the city, or any location of  
8 a public meeting or hearing of a governing body of the city; and  
9

10           WHEREAS, RCW 9.41.305 law does not apply to law  
11 enforcement officers when carrying a firearm or other weapon in  
12 conformance with department policy, or to members of the armed  
13 forces in the discharge of their official duties; and  
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15           WHEREAS, RCW 9.41.300(1)(b) defines "weapons" as any  
16 firearm, explosive as defined in RCW 70.74.010, or any weapon  
17 of the kind usually known as slungshot, sand club, or metal  
18 knuckles, or any knife, dagger, dirk, or other similar weapon that  
19 is capable of causing death or bodily injury and is commonly used  
20 with the intent to cause death or bodily injury; and  
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22           WHEREAS, pursuant to HB 1630 and RCW 42.30.020 of the  
23 Washington Open Public Meetings Act, "governing body" is  
24 defined to include the Kirkland City Council and any other City  
25 multimember board, commission, committee, council, or other  
26 policy or rule-making body or any committee thereof when the  
27 committee acts on behalf the governing body, conducts hearings,  
28 or takes testimony or public comment; and  
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30           WHEREAS, a person violating RCW 9.41.305 is guilty of a  
31 misdemeanor for a first violation and a gross misdemeanor for  
32 second and subsequent violations; and  
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34           WHEREAS, the Council wishes to add RCW 9.41.305 to its  
35 identification of adopted RCW sections in Article 11, Criminal  
36 Code, of the Kirkland Municipal Code in order that misdemeanor  
37 violations of RCW 9.41.305 may be prosecuted in the Kirkland  
38 Municipal Court.  
39

40           NOW, THEREFORE, the City Council of the City of Kirkland  
41 do ordain as follows:

42           Section 1. Kirkland Municipal Code Section 11.12.040 is  
 43 amended to read as follows:  
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45 **11.12.040 RCW Title 9, entitled "Crimes and**  
 46 **Punishments"—Adoption by reference.**

47           The following RCW sections, as currently enacted or as  
 48 hereafter amended or recodified from time to time, are hereby  
 49 adopted by reference and shall be given the same force and effect  
 50 as if set forth herein in full:

RCW <u>9.01.055</u>	Citizen immunity if aiding officer, scope—When.
RCW <u>9.01.110</u>	Omission, when not punishable.
RCW <u>9.01.130</u>	Sending letter, when complete.
RCW <u>9.02.050</u>	Concealing birth.
RCW <u>9.03.010</u>	Abandoning, discarding refrigeration equipment.
RCW <u>9.03.020</u>	Permitting unused equipment to remain on premises.
RCW <u>9.03.040</u>	Keeping or storing equipment for sale.
RCW <u>9.04.010</u>	False advertising.
RCW <u>9.04.090</u>	Advertising fuel prices by service stations.
RCW <u>9.08.030</u>	False certificate of registration of animals—False representation as to breed.
RCW <u>9.08.065</u>	Definitions.
RCW <u>9.08.070</u>	Pet animals—Taking, concealing, injuring, killing, etc.—Penalty.
RCW <u>9.08.072</u>	Transferring stolen pet animal to a research institution—Penalty.
RCW <u>9.08.078</u>	Illegal sale, receipt or transfer of pet animals—Separate offenses.
RCW <u>9.12.010</u>	Barratry.
RCW <u>9.12.020</u>	Buying, demanding, or promising reward by district judge or deputy.
RCW <u>9.16.005</u>	Definitions.
RCW <u>9.16.010</u>	Removing lawful brands.

RCW <u>9.16.020</u>	Imitating lawful brand.
RCW <u>9.16.030</u>	Counterfeit mark— Intellectual property.
RCW <u>9.16.035</u>	Counterfeiting—Penalties.
RCW <u>9.16.041</u>	Counterfeit items—Seizure and forfeiture.
RCW <u>9.16.050</u>	When deemed affixed.
RCW <u>9.16.060</u>	Fraudulent registration of trademark.
RCW <u>9.16.070</u>	Form and similitude defined.
RCW <u>9.16.080</u>	Petroleum products improperly labeled or graded—Penalty.
RCW <u>9.16.100</u>	Use of the words "sterling silver," etc.
RCW <u>9.16.110</u>	Use of words "coin silver," etc.
RCW <u>9.16.120</u>	Use of the word "sterling" on mounting.
RCW <u>9.16.130</u>	Use of the words "coin silver" on mounting.
RCW <u>9.16.140</u>	Unlawfully marking article made of gold.
RCW <u>9.16.150</u>	"Marked, stamped or branded" defined.
RCW <u>9.18.080</u>	Offender a competent witness.
RCW <u>9.18.120</u>	Suppression of competitive bidding.
RCW <u>9.18.130</u>	Collusion to prevent competitive bidding— Penalty.
RCW <u>9.18.150</u>	Agreements outside state.
RCW <u>9.24.010</u>	Fraud in stock subscription.
RCW <u>9.24.040</u>	Corporation doing business without license.
RCW <u>9.26A.090</u>	Telephone company credit cards—Prohibited acts.
RCW <u>9.26A.100</u>	Definitions.
RCW <u>9.26A.110</u>	Fraud in obtaining telecommunications service—Penalty.
RCW <u>9.26A.120</u>	Fraud in operating coin-box telephone or other receptacle.

- RCW 9.26A.130 Penalty for manufacture or sale of slugs to be used for coin.
- RCW 9.26A.140 Unauthorized sale or procurement of telephone records—Penalties—Definitions.
- RCW 9.27.015 Interference, obstruction of any court, building, or residence—Violations.
- RCW 9.35.005 Definitions.
- RCW 9.35.030 Soliciting undesired mail.
- RCW 9.38.010 False representation concerning credit.
- RCW 9.38.015 False statement by deposit account applicant.
- RCW 9.38.020 False representation concerning title.
- RCW 9.40.040 Operating engine or boiler without spark arrester.
- RCW 9.40.100 Tampering with fire alarm or fire fighting equipment—False alarm—Penalties.
- RCW 9.41.010 Terms defined.
- RCW 9.41.040 Unlawful possession of firearms—Ownership, possession by certain persons—Penalties.
- RCW 9.41.050 Carrying firearms.
- RCW 9.41.060 Exceptions to restrictions on carrying firearms.
- RCW 9.41.090 Dealer deliveries regulated—Hold on delivery.
- RCW 9.41.098 Forfeiture of firearms—Disposition—Confiscation.
- RCW 9.41.100 Dealer licensing and registration required.
- RCW 9.41.110 Dealer's licenses, by whom granted, conditions, fees—Employees, fingerprinting and background checks—Wholesale sales excepted—Permits prohibited.
- RCW 9.41.140 Alteration of identifying marks—Exceptions.
- RCW 9.41.220 Unlawful firearms and parts contraband.

RCW <u>9.41.230</u>	Aiming or discharging firearms, dangerous weapons.
RCW <u>9.41.240</u>	Possession of pistol by person from eighteen to twenty-one.
RCW <u>9.41.250</u>	Dangerous weapons—Penalty—Exemption for law enforcement officers.
RCW <u>9.41.260</u>	Dangerous exhibitions.
RCW <u>9.41.270</u>	Weapons apparently capable of producing bodily harm—Unlawful carrying or handling—Penalty—Exceptions.
RCW <u>9.41.280</u>	Possessing dangerous weapons on school facilities—Penalty—Exceptions.
RCW <u>9.41.300</u>	Weapons prohibited in certain places—Local laws and ordinances—Exceptions—Penalty.
RCW <u>9.41.305</u>	<u>Open carry of firearms and weapons prohibited</u>
RCW <u>9.41.800</u>	Surrender of weapons or licenses—Prohibition on future possession or licensing.
RCW <u>9.41.810</u>	Penalty.
RCW <u>9.44.080</u>	Misconduct in signing a petition.
RCW <u>9.45.060</u>	Encumbered, leased, or rented personal property—Construction.
RCW <u>9.45.070</u>	Mock auctions.
RCW <u>9.45.080</u>	Fraudulent removal of property.
RCW <u>9.45.090</u>	Knowingly receiving fraudulent conveyance.
RCW <u>9.45.100</u>	Fraud in assignment for benefit of creditors.
RCW <u>9.45.270</u>	Fraudulent filing of vehicle report of sale.
RCW <u>9.46.1962</u>	Cheating in the second degree.
RCW <u>9.47A.010</u>	Definition.

RCW <u>9.47A.020</u>	Unlawful inhalation— Exception.
RCW <u>9.47A.030</u>	Possession of certain substances prohibited, when.
RCW <u>9.47A.040</u>	Sale of certain substances prohibited, when.
RCW <u>9.47A.050</u>	Penalty.
RCW <u>9.51.010</u>	Misconduct of officer drawing jury.
RCW <u>9.51.020</u>	Soliciting jury duty.
RCW <u>9.51.030</u>	Misconduct of officer in charge of jury.
RCW <u>9.61.230</u>	Telephone harassment.
RCW <u>9.61.240</u>	Telephone harassment— Permitting telephone to be used.
RCW <u>9.61.250</u>	Telephone harassment— Offense, where deemed committed.
RCW <u>9.61.260</u>	Cyberstalking.
RCW <u>9.62.010</u>	Malicious prosecution.
RCW <u>9.62.020</u>	Instituting suit in name of another.
RCW <u>9.68.015</u>	Obscene literature, shows, etc.—Exemptions.
RCW <u>9.68.030</u>	Indecent articles, etc.
RCW <u>9.68.050</u>	"Erotic material"— Definitions.
RCW <u>9.68.060</u>	"Erotic material"— Determination by court— Labeling—Penalties.
RCW <u>9.68.070</u>	Prosecution for violation of RCW <u>9.68.060</u> —Defense.
RCW <u>9.68.080</u>	Unlawful acts.
RCW <u>9.68.100</u>	Exceptions to RCW <u>9.68.050</u> through <u>9.68.</u> <u>120</u> .
RCW <u>9.68.110</u>	Motion picture operator or projectionist exempt, when.
RCW <u>9.68.130</u>	"Sexually explicit material"— Defined—Unlawful display.
RCW <u>9.68A.011</u>	Definitions.
RCW <u>9.68A.080</u>	Reporting of depictions of minor engaged in sexually

- explicit conduct—Civil immunity.
- RCW 9.68A.090 Communication with minor for immoral purposes—Penalties.
- RCW 9.68A.103 Permitting commercial sex abuse of a minor—Penalty.
- RCW 9.68A.110 Certain defenses barred, permitted.
- RCW 9.68A.120 Seizure and forfeiture of property.
- RCW 9.68A.150 Allowing minor on premises of live erotic performance—Definitions—Penalty.
- RCW 9.69.100 Duty of witness of offense against child or any violent offense—Penalty.
- RCW 9.73.010 Divulging telegram.
- RCW 9.73.020 Opening sealed letter.
- RCW 9.73.030 Intercepting, recording or divulging private communication—Consent required—Exceptions.
- RCW 9.73.050 Admissibility of intercepted communication in evidence.
- RCW 9.73.070 Persons and activities excepted from chapter.
- RCW 9.73.080 Penalties.
- RCW 9.73.090 Certain emergency response personnel exempted from RCW 9.73.030 through 9.73.080—Standards—Court authorizations—Admissibility.
- RCW 9.73.100 Recordings available to defense counsel.
- RCW 9.73.110 Intercepting, recording, or disclosing private communications—Not unlawful for building owner—Conditions.
- RCW 9.91.010 Denial of civil rights—Terms defined.
- RCW 9.91.020 Operating railroad, steamboat, vehicle, etc., while intoxicated.
- RCW 9.91.025 Unlawful transit conduct.

- RCW 9.91.060 Leaving children unattended in parked automobile.
- RCW 9.91.130 Disposal of trash in charity donation receptacle.
- RCW 9.91.140 Food stamps—Unlawful sale.
- RCW 9.91.142 Food stamps—Trafficking.
- RCW 9.91.160 Personal protection spray devices.
- RCW 9.91.170 Interfering with dog guide or service animal.
- RCW 9.91.175 Interfering with search and rescue dog.

51            Section 2. If any provision of this ordinance or its  
 52 application to any person or circumstance is held invalid, the  
 53 remainder of the ordinance or the application of the provision to  
 54 other persons or circumstances is not affected.

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 56            Section 3. This ordinance shall be in force and effect five  
 57 days from and after its passage by the Kirkland City Council and  
 58 publication pursuant to Section 1.08.017, Kirkland Municipal Code  
 59 in the summary form attached to the original of this ordinance and  
 60 by this reference approved by the City Council.

61  
 62            Passed by majority vote of the Kirkland City Council in open  
 63 meeting this 21 day of June, 2022.

64  
 65            Signed in authentication thereof this 21 day of June, 2022.

  
 Penny Sweet, Mayor

Attest:

  
 Kathi Anderson, City Clerk

Approved as to Form:

  
 Kevin Raymond, City Attorney

Publication Date: 06/21/2022



PUBLICATION SUMMARY  
OF ORDINANCE NO. 4799

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE CRIMINAL CODE, FIREARMS AND WEAPONS, LIMITATIONS ON OPEN CARRY OF FIREARMS AND OTHER WEAPONS, AND ADOPTING A REFERENCE TO RCW 9.31.305 TO ADD A MISDEMEANOR CRIME TO THE CRIMINAL CODE.

SECTION 1. Amends Kirkland Municipal Code Section 11.12.040 related to crimes and punishments adopted by reference.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 21 day of June, 2022.

I certify that the foregoing is a summary of Ordinance 4799 approved by the Kirkland City Council for summary publication.

  
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Kathi Anderson, City Clerk