

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE DISPOSAL OF CONFISCATED AND FORFEITED FIREARMS AND ADDING A NEW SECTION 11.41.075 TO THE KIRKLAND MUNICIPAL CODE

WHEREAS, the City of Kirkland's law enforcement agency annually confiscates firearms used by persons committing crimes within the City and holds weapons for safekeeping to avoid the illegal use of such weapons, and

WHEREAS, RCW 9.41.098, allows for the disposition of confiscated and judicially forfeited firearms in any manner determined by the local legislative authority;

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. A new section, KMC 11.41.075, is hereby added to Chapter 11.41 of the Kirkland Municipal Code, Firearms and Weapons. Section 11.41.075 shall read as follows:

11.41.075 Disposition of confiscated and forfeited firearms.

(a) All firearms taken into the custody of the Kirkland Police Department prior to July 1, 1993, shall be disposed of by the Kirkland Police Department as authorized by RCW 9.41.098(2)(b).

(b) Firearms taken into the custody of the Kirkland Police Department after July 1, 1993 shall be disposed of as follows:

(1) Firearms illegal for any person to possess shall be destroyed.

(2) Antique firearms and firearms recognized as curios, relics, and firearms of particular historical significance by the United States treasury department bureau of alcohol, tobacco, and firearms are exempt from destruction and shall be disposed of by auction or trade to licensed dealers.

(3) The Kirkland Police Department may retain a maximum of ten percent of legal forfeited firearms for agency use.


(4) All other firearms that are judicially forfeited or forfeited due to a failure to make a claim under RCW 63.32.010 shall be destroyed.

Section 2. Severability. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. 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.

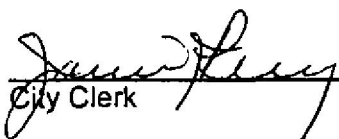
Passed by majority vote of the Kirkland City Council in regular, open meeting this 7th day of November, 1995.

Signed in authentication thereof this 7th day of November, 1995.



MAYOR

Attest:



City Clerk

Approved as to Form:



City Attorney

10city95\firearms