

ORDINANCE NO. 3619

AN ORDINANCE OF THE CITY OF KIRKLAND REPEALING KIRKLAND MUNICIPAL CODE SECTION 11.41.020 AND WHICH CREATES NEW ORDINANCES WHICH ADOPT STATE FIREARM STATUTES.

WHEREAS, adoption of the following ordinances is necessary to update Kirkland firearm laws.

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

Section 1. Section 11.41.020 of the Kirkland Municipal Code is hereby repealed.

Section 2. Section 11.41.020 of the Kirkland Municipal Code is hereby created to read as follows:

**(S)11.41.020 Carrying firearms.**

RCW 9.41.050 is adopted by reference as part of this code.

Section 3. Section 11.41.065 of the Kirkland Municipal Code is hereby created to read as follows:

**(S)11.41.065 Weapons prohibited in court building.**

RCW 9.41.300(1)(b) is adopted by reference as part of this code.

Section 4. Section 11.41.135 of the Kirkland Municipal Code is hereby created to read as follows:

**(S)11.41.135 Alteration of identifying marks--Exceptions.**

RCW 9.41.140 is adopted by reference as part of this code.

Section 5. The repeal of the prior KMC 11.41.020 by this ordinance does not affect any pending or existing litigation and does not operate as an abatement or bar to any action or proceeding pending under or by virtue of the repealed ordinance.

Section 6. 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 effected.

Section 7. 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 20th day of January, 1998.

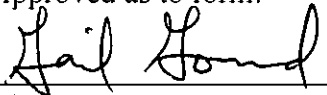
Signed in authentication thereof this 20th day of January, 1998.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Deputy City Clerk

Approved as to form:

  
\_\_\_\_\_  
City Attorney

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**WEST'S REVISED CODE OF  
WASHINGTON UNANNOTATED  
TITLE 9. CRIMES AND  
PUNISHMENTS  
CHAPTER 9.41. FIREARMS AND  
DANGEROUS WEAPONS**

*Current through End of 1996 Reg. Sess.*

**9.41.050. Carrying firearms**

(1)(a) Except in the person's place of abode or fixed place of business, a person shall not carry a pistol concealed on his or her person without a license to carry a concealed pistol.

(b) Every licensee shall have his or her concealed pistol license in his or her immediate possession at all times that he or she is required by this section to have a concealed pistol license and shall display the same upon demand to any police officer or to any other person when and if required by law to do so. Any violation of this subsection (1)(b) shall be a class 1 civil infraction under chapter 7.84 RCW [FN1] and shall be punished accordingly pursuant to chapter 7.84 RCW and the infraction rules for courts of limited jurisdiction.

(2) A person shall not carry or place a loaded pistol in any vehicle unless the person has a license to carry a concealed pistol and: (a) The pistol is on the licensee's person, (b) the licensee is within the vehicle at all times that the pistol is there, or (c) the licensee is away from the vehicle and the pistol is locked within the vehicle and concealed from view from outside the vehicle.

(3) A person at least eighteen years of age who is in possession of an unloaded pistol shall not leave the unloaded pistol in a vehicle unless the unloaded pistol is locked within the vehicle and concealed from view from outside the vehicle.

(4) Except as otherwise provided in this chapter, no person may carry a firearm unless it

is unloaded and enclosed in an opaque case or secure wrapper or the person is:

(a) Licensed under RCW 9.41.070 to carry a concealed pistol;

(b) In attendance at a hunter's safety course or a firearms safety course;

(c) Engaging in practice in the use of a firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located or any other area where the discharge of a firearm is not prohibited;

(d) Engaging in an organized competition involving the use of a firearm, or participating in or practicing for a performance by an organized group that uses firearms as a part of the performance;

(e) Engaging in a lawful outdoor recreational activity such as hunting, fishing, camping, hiking, or horseback riding, only if, considering all of the attendant circumstances, including but not limited to whether the person has a valid hunting or fishing license, it is reasonable to conclude that the person is participating in lawful outdoor activities or is traveling to or from a legitimate outdoor recreation area;

\*2934 (f) In an area where the discharge of a firearm is permitted, and is not trespassing;

(g) Traveling with any unloaded firearm in the person's possession to or from any activity described in (b), (c), (d), (e), or (f) of this subsection, except as provided in (h) of this subsection;

(h) Traveling in a motor vehicle with a firearm, other than a pistol, that is unloaded and locked in the trunk or other compartment of the vehicle, placed in a gun rack, or otherwise secured in place in a vehicle, provided that this subsection (4)(h) does not apply to motor homes if the firearms are not within the driver's compartment

of the motor home while the vehicle is in operation. Notwithstanding (a) of this subsection, and subject to federal and state park regulations regarding firearm possession therein, a motor home shall be considered a residence when parked at a recreational park, campground, or other temporary residential setting for the purposes of enforcement of this chapter;

(i) On real property under the control of the person or a relative of the person;

(j) At his or her residence;

(k) Is a member of the armed forces of the United States, national guard, or organized reserves, when on duty;

(l) Is a law enforcement officer;

(m) Carrying a firearm from or to a vehicle for the purpose of taking or removing the firearm to or from a place of business for repair; or

(n) An armed private security guard or armed private detective licensed by the department of

licensing, while on duty or enroute to and from employment.

(5) Violation of any of the prohibitions of subsections (2) through (4) of this section is a misdemeanor.

(6) Nothing in this section permits the possession of firearms illegal to possess under state or federal law.

(7) Any city, town, or county may enact an ordinance to exempt itself from the prohibition of subsection (4) of this section.

#### CREDIT(S)

*Enacted by Laws 1935, ch. 172, § 5. Amended by Laws 1961, ch. 124, § 4; Laws 1982, 1st Ex.Sess., ch. 47, § 3.*

#### 1997 Electronic Update

*Amended by Laws 1994, 1st Sp.Sess., ch. 7, § 405, eff. July 1, 1994; Laws 1996, ch. 295, § 4.*

[FN1] Reviser's note: Civil infractions are found in chapter 7.80 RCW.

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**WEST'S REVISED CODE OF  
WASHINGTON UNANNOTATED  
TITLE 9. CRIMES AND  
PUNISHMENTS  
CHAPTER 9.41. FIREARMS AND  
DANGEROUS WEAPONS**

*Current through End of 1996 Reg. Sess.*

**9.41.140. Alteration of identifying marks--  
Exceptions**

No person may change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any firearm. Possession of any firearm upon which any such mark shall have been changed, altered, removed, or obliterated,

shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same. This section shall not apply to replacement barrels in old firearms, which barrels are produced by current manufacturers and therefor do not have the markings on the barrels of the original manufacturers who are no longer in business. This section also shall not apply if the changes do not make the firearm illegal for the person to possess under state or federal law.

**CREDIT(S)**

*Enacted by Laws 1935, ch. 172, § 14. Amended by Laws 1961, ch. 124, § 10.*

**1997 Electronic Update**

*Amended by Laws 1994, 1st Sp.Sess., ch. 7, § 419, eff. July 1, 1994.*

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**WEST'S REVISED CODE OF  
WASHINGTON UNANNOTATED  
TITLE 9. CRIMES AND  
PUNISHMENTS  
CHAPTER 9.41. FIREARMS AND  
DANGEROUS WEAPONS**

*Current through End of 1996 Reg. Sess.*

**9.41.300. Weapons prohibited in certain  
places--Local laws and ordinances--  
Exceptions--Penalty**

(1) It is unlawful for any person to enter the following places when he or she knowingly possesses or knowingly has under his or her control a weapon:

~~The restricted access areas of a jail, or law enforcement facility, or any place for the confinement of a person arrested for, charged with, or convicted of an offense, (ii) held for extradition or material witness, or (iii) otherwise controlled pursuant to an order of a court, except in order under chapter 22A or 13.34 RCW. Restricted access areas do not include common areas of egress or ingress open to the general public;~~

(b) Those areas in any building which are used in connection with court proceedings, including courtrooms, jury rooms, judge's chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings. The restricted areas do not include common areas of ingress and egress to the building that is used in connection with court proceedings, when it is possible to protect court areas without restricting ingress and egress to the building. The restricted areas shall be the minimum necessary to fulfill the objective of this subsection (1)(b).

In addition, the local legislative authority shall provide either a stationary locked box sufficient in size for pistols and key to a weapon owner for

weapon storage, or shall designate an official to receive weapons for safekeeping, during the owner's visit to restricted areas of the building. The locked box or designated official shall be located within the same building used in connection with court proceedings. The local legislative authority shall be liable for any negligence causing damage to or loss of a weapon either placed in a locked box or left with an official during the owner's visit to restricted areas of the building.

The local judicial authority shall designate and clearly mark those areas where weapons are prohibited, and shall post notices at each entrance to the building of the prohibition against weapons in the restricted areas:

~~The restricted access areas of a public mental health facility certified by the department of social and health services for a patient hospital care and state institutions for the care of the mentally ill, excluding those facilities solely for evaluation and treatment. Restricted access areas do not include common areas of egress and ingress open to the general public.~~

~~\*2986 (d) The portion of an establishment classified by the state liquor control board as off-limits to persons under twenty-one years of age.~~

(2) Cities, towns, counties, and other municipalities may enact laws and ordinances:

(a) Restricting the discharge of firearms in any portion of their respective jurisdictions where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized. Such laws and ordinances shall not abridge the right of the individual guaranteed by Article I, section 24 of the state Constitution to bear arms in defense of self or others, and

(b) Restricting the possession of firearms in any stadium or convention center, operated by a city, town, county, or other municipality, except such restrictions shall not apply to: