Ordinance No. 3215

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

Repealed by Ord. 3405
ORDINANCE NO. 3215

AN ORDINANCE of the City Council of the City of Kent, Washington, adding a new chapter to the Kent City Code, Chapter 9.05, relating to the disposal of forfeited firearms.

WHEREAS, the state legislature passed legislation amending RCW Chapter 9.41 relating to the disposal of forfeited firearms; and

WHEREAS, said legislation, as codified in RCW 9.41.098(2), provides that firearms coming into the possession of the police department after June 30, 1993 that are judicially forfeited and no longer needed for evidence, or that are forfeited due to a failure to make a claim, may be disposed of in a manner determined by the local legislature; and

WHEREAS, subject to certain restrictions, forfeited firearms may be retained for police department use or auctioned or traded with the proceeds being retained by the City of Kent; and
WHEREAS, the City Council desires to provide for disposal of forfeited firearms pursuant to RCW Chapter 9.41; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. There is hereby created a new chapter of the Kent City Code, Chapter 9.05, entitled "Disposal of Forfeited Firearms", as follows:

CHAPTER 9.05. DISPOSAL OF FORFEITED FIREARMS

Sec. 9.05.010.

Except as provided in Sections 9.05.020 and 9.05.030 of this chapter, all firearms that come into the possession of the Kent Police Department after June 30, 1993 that are either judicially forfeited under RCW 9.41.098 and no longer needed for evidence, or forfeited due to a failure to make a claim under RCW 63.32.010 or RCW 63.40.010, may be disposed of by the Kent Police Department, in its discretion, as follows:

1. Retained for agency use;
2. Traded to commercial sellers;
3. Auctioned to commercial sellers;
4. Destroyed.
Sec. 9.05.020.

   All firearms that are "antiques" as defined by RCW 9.41.150, or recognized as curios, relics, and firearms of particular historical significance by the Bureau of Alcohol, Tobacco and Firearms shall not be retained for agency use or destroyed.

Sec. 9.05.030.

   All firearms that are illegal to possess, as defined in Section 9.05.040 below, shall be destroyed, and shall not be retained, traded or auctioned. If firearms otherwise illegal to possess may be rendered legal to possess by removal or alteration of component parts, the Kent Police Department may, in its discretion, effect such removal or alteration, and may thereafter dispose of the firearm under Section 9.05.010 above.

Sec. 9.05.040.

   "Firearms that are illegal to possess" means firearms that are illegal to possess as a private citizen under state or federal law.

Sec. 9.05.050.

   Any proceeds from the trade or auction of firearms shall be deposited in the City's General Fund and dedicated for law enforcement.
SECTION 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. Any ordinance or regulation in conflict with this ordinance is hereby repealed.

SECTION 3. Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication as provided by law.

JIM WHITE, MAYOR

BRENDA JACOBER, CITY CLERK

ROGER A. LUBOVICH, CITY ATTORNEY
I hereby certify that this is a true copy of Ordinance No. 3215, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER, CITY CLERK

(SEAL)