ORDINANCE NO. 3271

AN ORDINANCE of the City Council of the City of Kent, Washington amending Section 9.02.104 of the Kent City Code relating to the penalty for certain weapons violations.

WHEREAS, prior to the enactment of ordinance No. 3172, which became effective June 21, 1994, a violation of Section 9.02.104 of the Kent City Code relating to weapons was a misdemeanor.

WHEREAS, ordinance 3172 amended this Section of the Code to make a violation of the provision a gross misdemeanor.

WHEREAS, additional language in this Section also refers to a violation of the provision as a misdemeanor as opposed to a gross misdemeanor, creating a potential conflict in the penalty for a violation.

WHEREAS, the language in Section 9.02.104 should be amended to remove the conflict and clarify that a violation is a gross misdemeanor, consistent with state law, NOW, THEREFORE,

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

 SECTION 1. Section 9.02.104, of the Kent City Code is
hereby amended to read as follows:

Sec. 9.02.104. Weapons apparently capable of producing bodily
harm, carrying, exhibiting, displaying or drawing
unlawful; penalty; exceptions.

A. It shall be unlawful for anyone to carry, exhibit, display
or draw any firearm, dagger, sword, knife or other cutting or
stabbing instrument, club or any other weapon apparently capable
of producing bodily harm in a manner, under circumstances, and at
a time and place that either manifests an intent to intimidate
another or that warrants alarm for the safety of other persons.
Any person violating the provisions of this subsection shall be
guilty of a misdemeanor. A violation of this section shall, upon
conviction, be punishable as a gross misdemeanor.

B. Subsection A. of this section shall not apply to or affect
the following:

1. Any act committed by a person while in his place of
abode or fixed place of business;
2. Any person who by virtue of his office or public employment is vested by law with a duty to preserve public safety, maintain public order or make arrests for offenses while in the performances of such duty;

3. Any person acting for the purpose of protecting himself against the use of presently threatened unlawful force by another or for the purpose of protecting another against the use of such unlawful force by a third person;

4. Any person making or assisting in making a lawful arrest for the commission of a felony; or

5. Any person engaged in military activities sponsored by the federal or state governments.

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.

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.
I hereby certify that this is a true copy of Ordinance No. 3271, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.