ORDINANCE NO. 3297

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Chapter 9.02 of the Kent City Code relating to firearms.

WHEREAS, the Kent City Code contains provisions relating to firearms; and

WHEREAS, the State has enacted legislation which has pre-empted municipalities from establishing certain regulations relating to firearms and making other changes resulting in the need for the City to amend its code to be in compliance with State Law; NOW, THEREFORE,

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

SECTION 1. Sections 9.02.96 and 9.02.100 of the Kent City Code are hereby repealed in their entirety.
SECTION 2. Section 9.02.48 of the Kent City Code is hereby amended to read as follows:

Sec. 9.02.48. Discharge of firearms or dangerous instrumentalities, weapons.

It is unlawful for any person to aim any gun, pistol, revolver or other firearm, whether loaded or not, at or towards any human being, or wilfully discharge any firearm, air gun or other weapon or throw any deadly missile in a public place, or in any place where any person might be endangered thereby even though no injury results. The discharge of certain firearms at bonafide gun clubs, etc., shall be as provided in section 5.04.010. A violation of this section shall be punishable, upon conviction, as a gross misdemeanor.

SECTION 3. 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 gross misdemeanor.

B. Pursuant to RCW 9.41.270, if any person is convicted of a violation of subsection (A) of this section, the person shall lose his or her concealed pistol license, if any. The court
shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

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

1. Any act committed by a person while in his or her place of abode or fixed place of business;

2. Any person who by virtue of his or her 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 performance of such duty;

3. Any person acting for the purpose of protecting himself or herself 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 4.** If any one or more sections, sub-sections, or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance and the same shall remain in full force and effect.
SECTION 5. 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

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED __4__ day of __June____, 1996.
APPROVED __5__ day of __June____, 1996.
PUBLISHED __7__ day of __June____, 1996.
I hereby certify that this is a true copy of Ordinance No. 3297, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Signature]
BRENDA JACOBER, CITY CLERK