Ordinance No. 3568

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

Amends Ord. 3350;3407
Repealed by Ord. 3621 (Ch. 9.02)
ORDINANCE NO. 3568

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Ch. 9.02 of the Criminal Code and adding a new section, all relating to illegal use of non-incendiary devices.

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

SECTION 1. Section 9.02.100 of the Kent City Code, entitled “Firearms, dangerous weapons and explosives,” is hereby amended to read as follows:

Sec. 9.02.100. Firearms, dangerous weapons and explosives. The following sections of Chapters 9.41, 9.91 and 70.74 RCW, with the exception of those provisions contained therein for which a violation constitutes a felony crime, are hereby adopted by reference as currently enacted and as hereinafter amended from time to time, and shall be given the same force and effect as if set forth herein in full.

A. RCW 9.41.010 Terms defined.
B. RCW 9.41.050 Carrying firearms.
C. RCW 9.41.060 Exceptions to restrictions on carrying firearms.

Title 9 Revisions
(Firearms, Dangerous Weapons & Bombs)
D. RCW 9.41.140 Alteration of identifying marks – Exceptions.
E. RCW 9.41.230 Aiming or discharging firearms, dangerous weapons.
F. RCW 9.41.240 Possession of pistol by person from eighteen to twenty-one.
G. RCW 9.41.250 Dangerous weapons – Penalty.
H. RCW 9.41.260 Dangerous exhibitions.
I. RCW 9.41.270 Weapons apparently capable of producing bodily harm – Unlawfully carrying or handling – Penalty – Exceptions.
J. RCW 9.41.280 Possessing dangerous weapons on school facilities – Penalty – Exceptions.
L. RCW 9.41.810 Penalty.
M. RCW 9.91.160 Personal protection spray devices.
N. RCW 70.74.010 Definitions.
O. RCW 70.74.295 Abandonment of explosives.
P. RCW 70.74.300 Explosive containers to be marked – Penalty.
Q. RCW 70.74.310 Gas bombs, explosives, stink bombs, etc.

SECTION 2. The following new section, section 9.02.102, entitled “Non-incendiary devices” is hereby added to the Kent City Code:

Sec. 9.02.101. Non-incendiary devices.
A. For the purposes of this Chapter, a “non-incendiary device” shall include, without limitation, any stink bomb, stink paint, tear bomb, tear shell, explosive or flame-producing device, acid bomb, dry ice bomb or any other device, material,
chemical or substance, which, when exploded, opened, used or otherwise deployed
does or will annoy, injure, endanger or inconvenience any person or persons.

B. Any person who shall (1) deposit, leave, place, spray, scatter, spread, throw
or otherwise deploy in any building, or any place, or (2) counsel, aid, assist,
encourage, incite or direct any other person or persons to deposit, leave, place, spray,
scatter, spread, throw or otherwise deploy in any building, or any place, or (3) have
in his or her possession for the purpose of depositing, leaving, placing, spraying,
scattering, spreading, throwing or otherwise deploying in any building, or any place,
or (4) counsels, aids, assists, encourages, incites or directs any other person or
persons to deposit, leave, place, spray, scatter, spread, throw or otherwise deploy in
any building, or any place, any non-incendiary device shall be guilty of a gross
misdemeanor.

C. Anyone who enhances any non-incendiary device by adding either internally
or externally any additional material that would create greater damage by becoming
fragmentation or shrapnel will be subject to a mandatory minimum penalty of 90
days in jail, which cannot be served on work release or electronic home monitoring.

D. This section shall not apply to persons in the military service or
commissioned law enforcement officers actually engaged in the performance of his
or her duty or training or in the course of any training acting pursuant to orders from
competent authority nor shall this section apply to any property owner or person
acting under his or her authority in providing protection against the commission of a
felony.

SECTION 3. If any one or more sections, subsections, 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.

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SECTION 4. This Ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

JIM WHITE, MAYOR

ATTEST:

Brenda Jacober
BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER LUBOVICH, CITY ATTORNEY

PASSED: 7 day of August, 2001

I hereby certify that this is a true copy of Ordinance No. 3568 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

Title 9 Revisions
(Firearms, Dangerous Weapons & Bombs)