

City of Lynnwood
DEC 13 2000
SCANNED

ORDINANCE NO. 1728

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AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, REPEALING SECTION 10.02.015 OF THE LYNNWOOD CITY CODE (WHICH REPEALS THE ADOPTION BY REFERENCE OF RCW 9.41); REPEALING SECTION 10.02.050 ("WEAPONS CONTROL") OF THE LYNNWOOD MUNICIPAL CODE; AND ADDING A NEW CHAPTER 10.52 WHICH ADOPTS BY REFERENCE PORTIONS OF RCW 9.41 (FIREARMS AND DANGEROUS WEAPONS) AND WHICH CONTAINS DEFINITIONS FOR BALISONG, DANGEROUS, FIXED BLADE AND SWITCHBLADE KNIVES, AND, WHICH PROHIBITS THE USE, POSSESSION, SALES, MANUFACTURE AND CARRYING OF CERTAIN DANGEROUS WEAPONS AND EXEMPTS CERTAIN PERSONS FROM SUCH PROHIBITION; WHICH CONTAINS A SEVERABILITY CLAUSE; AND WHICH SETS AN EFFECTIVE DATE.

WHEREAS, the Lynnwood City Council finds that stricter regulations and prohibitions concerning the use, manufacture, purchase and possession of knives and other weapons, including those commonly used in martial arts are warranted by the increasing number of offenses committed with such devices, and

WHEREAS, the Lynnwood City Council finds that this ordinance is in the interests of the public health, safety and welfare, now, therefore,

THE CITY COUNCIL OF THE CITY OF LYNNWOOD DOES ORDAIN AS FOLLOWS:

Section 1. Repeal of RCW 9.41 As Adopted By Reference. Section 10.02.015 of the Lynnwood Municipal Code and Section 2 of Ordinance No. 1490, which adopt by reference certain porions of RCW 9.41 are hereby repealed.

Section 2. Repeal of Section 10.02.050 - WEAPONS CONTROL. Section 10.02.050 of the Lynnwood Municipal Code and a portion of Ordinance No. 861, Section 5 is hereby repealed.

Section 3. There is hereby added to the Lynnwood Municipal Code a new Chapter 10.52--Weapons Control to read as follows:

10.52.010 Statutes Adopted by Reference.

A. List of Statutes. The following statutes of the State of Washington, as now or hereafter amended, are adopted by reference:

- 1) 9.41.010 Terms Defined.
- 2) 9.41.050 Carrying pistol.
- 3) 9.41.060 Exception to restriction on carrying pistol.
- 4) 9.41.070 Issue of licenses to carry--Fee--Revocation--Renewal.
- 5) 9.41.080 Delivery to minors and others forbidden.
- 6) 9.41.090 Commercial sales regulated--Requirements for delivery--Hold on delivery.
- 7) 9.41.093 Exemptions.
- 8) 9.41.095 Denial of application--Appeal.
- 9) 9.41.098 Forfeiture of firearms, order by courts--Return to owner--Confiscation by law enforcement officer.
- 10) 9.41.100 Dealers to be licensed.
- 11) 9.41.110 Dealer's licenses, by whom granted and conditions thereof--Wholesale sales excepted--Permits prohibited.
- 12) 9.41.120 Certain transfers forbidden.
- 13) 9.41.130 False information forbidden.
- 14) 9.41.140 Alteration of identifying marks--Exemptions.
- 15) 9.41.150 Exemptions.
- 16) 9.41.160 Penalty.
- 17) 9.41.170 Alien's license to carry firearms--Exception.
- 18) 9.41.180 Setting spring gun.
- 19) 9.41.230 Aiming or discharging firearms.
- 20) 9.41.240 Use of firearms by minor.
- 21) 9.41.260 Dangerous exhibitions.
- 22) 9.41.270 Weapons apparently capable of producing bodily harm, carrying, exhibiting, displaying or drawing unlawful--Penalty--Exemptions.
- 23) 9.41.280 Students carrying dangerous weapons on school premises--Penalty--Exemptions.
- 24) 9.41.300 Firearms prohibited in certain places--Local laws and ordinances--Exemptions--Penalty.

B. Penalty:

Any person violating the provisions of this section shall be guilty of a misdemeanor, except as otherwise provided.

10.52.020 Definitions:

The following definitions shall apply throughout this chapter:

- A. "Balisong Knife" means a single edged blade knife which has a two-piece handle. The two halves of handle sheathe the blade when it is in the closed position. In the open position, the two halves of the hand form a haft.
- B. "Dangerous Knife" means any fixed blade knife, any balisong knife and any other knife having a blade more than 3½ inches in length or any dagger, sword, bayonet, bolo knife, hatchet, machete, straight edge razor or razor blade not contained in a package, dispenser or shaving appliance.
- C. "Fixed-Blade Knife" means any knife regardless of blade length, with a blade which is permanently open and does not fold, or retract or slide into the handle of the knife and includes any dagger, sword, bayonet, bolo knife, hatchet, axe, straight edged razor, or razor blade not in a package, dispenser or shaving appliance.
- D. "Switchblade Knife" means any knife having a blade that opens automatically by hand pressure applied to a button, spring mechanism, or other device, or a blade that opens, falls or is ejected into position by force of gravity or by an outward, downward, or centrifugal thrust or movement.

10.52.030 Dangerous Weapons--Use, Possession, Concealing, Sales and Manufacture

A. Unlawful Activities.

It is unlawful for a person knowingly to:

- 1. Manufacture, sell, possess, purchase, carry or dispose of any switchblade knife or balisong knife or any instrument or weapon of the kind usually known as a blackjack, slingshot, sand-club, metal knuckles, chako sticks or throwing stars;

2. Carry concealed or unconcealed on his or her person any dangerous knife or dangerous weapon other than a pistol;
3. Sell or give away to any person under 18 years of age any dangerous knife, fixed blade knife, switchblade knife, blowgun or dangerous weapon;
4. Sell any airgun to any person under 18 years of age.
5. Carry with intent to conceal any dirk, airgun or blowgun;
6. Furtively carry a pistol with intent to conceal; or
7. Use any contrivance or device for suppressing the noise of any firearm.

B. Exemptions:

1. Chako sticks and throwing stars. The proscriptions of subsection (A)(1) relating to chako sticks and throwing stars shall not apply to or affect regularly enrolled members of clubs and associations organized for the practice, instruction or demonstration of self-defense arts involving chako sticks or throwing stars while such members are at or are going to or from their place of residence, a practice session, an instruction session, a demonstration or a place of repair, or while such members are going from the place of purchase; provided further that the proscriptions of subsection (A)(1) concerning the manufacture and sales of chako sticks and throwing stars shall not apply to such clubs and organizations when chako sticks are manufactured for or sold to regularly enrolled members for use at a practice or instruction session or demonstration.
2. Dangerous knives. The proscriptions of subsection (A)(2) of this section shall not apply to:
 - a. Licensed hunters or licensed fishermen or hunters or fishermen exempt from licensing requirements under state law, actively engaged in hunting and fishing

activity including education and travel related thereto;

- b. Any person immediately engaged in an activity related to a lawful occupation which commonly requires the use of such knife, provided such knife is carried unconcealed; provided further that a dangerous knife carried openly in a sheath suspended from the waist of a person is not concealed within the meaning of this subsection.
- c. Any person carrying such knife in a secure wrapper or in a tool box while traveling from the place of purchase, from or to a place of repair, or from or to such person's home or place of business, or moving from one place of abode or business to another, or while in such person's place of abode or fixed place of business.

3. The proscriptions of this section shall not apply to any collector of weapons or museum when such weapons are contained in a secure case intended for display or otherwise secured such that they are not accessible to unauthorized persons.

C. Minors:

It is unlawful for any person under 18 years of age to possess any blowgun, airgun, dangerous knife or deadly weapon, other than a firearm, except when under the direct supervision of an adult.

D. Penalty:

Any person violating the provisions of this section shall be guilty of a gross misdemeanor.

10.52.040 Discharging Firearm or Explosive-Exceptions.

A. Unlawful Activity:

It is unlawful to fire or discharge any cannon, gun, pistol, revolver or other firearm or to fire or explode or set off any squib, firecracker,

torpedo or other thing containing powder or other explosive material in any public place, or in any place where any person might be endangered thereby, except on days of public celebration or jubilee, and then only as permitted by law.

B. Exemption:

This section shall not apply to the following:

1. Licensed shooting galleries;
2. Airplane ordinance testing and proving grounds used in the manufacture of aircraft;
3. Rifle or pistol practice ranges located, established, used and patrolled by the armed forces of the United States, by the State of Washington, or by the Police Department;
4. The discharge of any firearm in the performance of official duties or in the course of employment or in civilian sports by any person having a permit or lawful right to carry such firearm; or
5. The lawful use of explosives for blasting or construction or demolition work.

E. Penalty:

Any person violating the provisions of this section shall be guilty of a gross misdemeanor.

Section 4. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance should be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, clause, phrase or word of this ordinance.

Section 5. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

APPROVED:

M. Richards
MAYOR

ATTEST/AUTHENTICATED:

B. W. Drack
CITY CLERK *by L. Harris*

APPROVED AS TO FORM:

Raymond Beach
CITY ATTORNEY

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