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CITY OF LYNNWOOD
ORDINANCE NO. 3388

**AN ORDINANCE OF THE CITY OF LYNNWOOD,
WASHINGTON, RELATING TO WEAPONS CONTROL;
AMENDING SECTION 10.52.010 OF THE LYNNWOOD
MUNICIPAL CODE; AND PROVIDING FOR AN
EFFECTIVE DATE, SEVERABILITY AND SUMMARY
PUBLICATION.**

WHEREAS, Section 10.52.010 of the Lynnwood Municipal Code (LMC) currently contains a list of statutes pertaining to Revised Code of Washington (RCW) 9.41 Firearms and Dangerous Weapons that are adopted by reference; and

WHEREAS, RCW 9.41.113 relating to Firearm Sales or Transfers, RCW 9.41.115 relating to Penalties – Violations of RCW 9.41.113, RCW 9.41.040 relating to Unlawful Possession of Firearms, and RCW 9.41.042 relating to Children – Permissible Firearm Possession are currently omitted from the list of statutes adopted by reference in LMC 10.52.010; and

WHEREAS, the omission of RCW 9.41.113, RCW 9.41.115 , RCW 9.41.040, and RCW 9.41.042 precludes the misdemeanor prosecution of individuals who had their rights to own or possess a firearm revoked and who are attempting to purchase, acquire, or possess a firearm; and

WHEREAS, amending LMC 10.52.010 to add RCW 9.41.113, RCW 9.41.115, RCW 9.41.040, and RCW 9.41.042 to the list of adopted statutes would provide statutory authority for the City to prosecute misdemeanor violations of these crimes; and

WHEREAS, the City Council has determined that it is in the best interests of the public’s health, safety and general welfare to amend LMC 10.52.010 as stated in this Ordinance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment. Section 10.52.010 of Lynnwood Municipal Code is amended 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:

- RCW
- 9.41.010 Terms defined.
- [9.41.040 Unlawful possession of firearms – Ownership, possession by certain persons – Restoration of right to possess – Penalties.](#)
- [9.41.042 Children – Permissible firearm possession.](#)
- 9.41.050 Carrying pistol.
- 9.41.060 Exception to restriction on carrying pistol.
- 9.41.070 Issue of licenses to carry – Fee – Revocation – Renewal.
- 9.41.080 Delivery to minors and others forbidden.

- 39 9.41.090 Commercial sales regulated – Requirements for delivery – Hold on delivery.
- 40 9.41.093 Exemptions.
- 41 9.41.095 Denial of application – Appeal.
- 42 9.41.098 Forfeiture of firearms, order by courts – Return to owner – Confiscation by law
- 43 enforcement officer.
- 44 9.41.100 Dealers to be licensed.
- 45 9.41.110 Dealer’s licenses, by whom granted and conditions thereof – Wholesale sales
- 46 excepted – Permits prohibited.
- 47 9.41.113 Firearms Sales or Transfers – Background checks – Requirements – Exceptions.
- 48 9.41.115 Penalties – Violations of RCW 9.41.113.
- 49 9.41.120 Certain transfers forbidden.
- 50 9.41.130 False information forbidden.
- 51 9.41.140 Alteration of identifying marks – Exceptions.
- 52 9.41.150 Exemptions.
- 53 9.41.160 Penalty.
- 54 9.41.170 Alien’s license to carry firearms – Exception.
- 55 9.41.180 Setting spring gun.
- 56 9.41.220 Machine guns.
- 57 9.41.230 Aiming or discharging firearms.
- 58 9.41.240 Use of firearms by minor.
- 59 9.41.260 Dangerous exhibitions.
- 60 9.41.270 Weapons apparently capable of producing bodily harm, carrying, exhibiting,
- 61 displaying or drawing unlawful – Penalty – Exceptions.
- 62 9.41.280 Students carrying dangerous weapons on school premises – Penalty – Exceptions.
- 63 9.41.300 Firearms prohibited in certain places – Local laws and ordinances – Exceptions –
- 64 Penalty.

65 B. Penalty. Any person violating the provisions of this section shall be guilty of a misdemeanor,

66 except as otherwise provided. (~~Ord. 2140 § 1, 19972021; Ord. 1728 § 3, 1989~~)

67 Section 2. Effective Date. The provisions of this ordinance shall be effective five days following

68 publication.

69 Section 3. Severability. If any section, subsection, sentence, clause, phrase or word of this

70 ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction,

71 such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any

72 other section, subsection, sentence, clause, phrase or word of this ordinance.

73 Section 4. Summary Publication. Publication of this ordinance shall be by summary publication

74 consisting of the ordinance title.

75 PASSED BY THE CITY COUNCIL this 26th day of April 2021.

76 APPROVED:

77 DocuSigned by:

78 Nicola Smith 4/27/2021

79 281B3CE79E884DA

79 Nicola Smith, MAYOR

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81 ATTEST/AUTHENTICATED:

DocuSigned by:

Karen Fitzthum

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83 Karen Fitzthum

84 City Clerk

85 APPROVED AS TO FORM:

DocuSigned by:

Rosemary Larson

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87 Rosemary Larson

88 City Attorney