

## POULSBO DISTRIBUTION SCHEDULE

**ORDINANCE NO. 2007-35**

**SUBJECT: Amend PMC Chapter 9.40, Firearms, Explosives, Dangerous Weapons**

### CONFORM AS TO DATES & SIGNATURES

- (X) Filed with the City Clerk: 9/24/2007
- (X) Passed by the City Council: 10/3/2007
- (X) Signature of Mayor
- (X) Signature of City Clerk
- (X) Publication: 10/<sup>20</sup>~~17~~/2007
- (X) Effective: 10/<sup>25</sup>~~22~~/2007

### DISTRIBUTED COPIES AS FOLLOWS: email all departments

- (K) NK Herald: Emailed by kj 10/5/2007
- (1) Ordinance or Resolution Book
- (K) Code Publishing - via email if in electronic format
- (1) City Attorney
- ( ) Civil Service Commission and/or Sec/Chief Examiner
- (K) Clerk's Department: Original
- ( ) City Council
- ( ) Finance:
- ( ) Fire District #18
- ( ) Mayor
- ( ) Municipal Court
- ( ) MRSC from website:
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- ( ) Police
- ( ) Public Works:
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\_\_\_\_\_  
City Clerk

10-5-2007  
Date

ORDINANCE NO. 2007-35

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, RELATING TO FIREARMS, EXPLOSIVES, AND DANGEROUS WEAPONS; AMENDING CHAPTER 9.40 TO BE KNOWN AS FIREARMS AND DANGEROUS WEAPONS; AND AMENDING 9.40.010 TO FIREARMS AND DANGEROUS WEAPONS – STATUTES ADOPTED BY REFERENCE, 9.40.020 TO WASHINGTON STATE EXPLOSIVES ACT – STATUTES ADOPTED BY REFERENCE, 9.40.030 TO FISH AND WILDLIFE – STATUTES ADOPTED BY REFERENCE, 9.40.040 TO UNLAWFUL USE OF AIR GUNS, BOW AND ARROW AND CROSSBOW – PENALTY; AND ADDING NEW SECTIONS 9.40.050 DESTRUCTION, TRADE OF SALE OF FORFEITED FIREARMS, 9.40.080 PENALTY; AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Poulsbo is concerned about the safety and welfare of its citizens; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF POULSBO DO ORDAIN AS FOLLOWS:

**Section 1.** Chapter 9.40 of the Poulsbo Municipal Code is hereby amended to read as follows: Chapter 9.40 FIREARMS, EXPLOSIVES, AND DANGEROUS WEAPONS.

**Section 2.** PMC 9.40.010 and Ordinance 2004-01 Section 8 are hereby amended to read as follows:

9.40.010 Firearms and dangerous weapons - statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 9.41 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 9.41.010 Terms defined – firearms and dangerous weapons
- 9.41.040 Unlawful possession of firearms
- 9.41.042 Children – permissible firearm possession
- 9.41.047 Restoration of possession rights
- 9.41.050 Carrying firearms
- 9.41.060 Exceptions to restrictions on carrying firearms
- 9.41.070 Concealed pistol license – application – fee – renewal
- 9.41.073 Concealed pistol license – reciprocity
- 9.41.075 Concealed pistol license – revocation
- 9.41.090 Dealer deliveries regulated – hold on delivery
- 9.41.094 Waiver of confidentiality

- 9.41.097 Supplying information on persons purchasing pistols or applying for concealed pistol licenses
- 9.41.0975 Officials and agencies – Immunity, writ of mandamus
- 9.41.098 Forfeiture of firearms
- 9.41.100 Dealer licensing and registration required
- 9.41.110 Dealer’s licenses, by whom granted, conditions, fees – employees, fingerprinting and background checks – wholesale sales excepted – permits prohibited
- 9.41.120 Firearms as loan security
- 9.41.122 Out-of-state purchasing
- 9.41.124 Purchasing by nonresidents
- 9.41.129 Record keeping requirements
- 9.41.135 Verification of licenses and registration
- 9.41.140 Alteration of identifying marks – exceptions
- 9.41.170 Alien’s license to carry firearms – exception
- 9.41.185 Coyote getters
- 9.41.190 Unlawful firearms – exceptions
- 9.41.220 Unlawful firearms and parts contraband
- 9.41.230 Aiming or discharging firearms, dangerous weapons
- 9.41.240 Possession of pistol by person from eighteen to twenty-one
- 9.41.250 Dangerous weapons – penalty
- 9.41.260 Dangerous exhibitions
- 9.41.270 Weapons apparently capable of producing bodily harm
- 9.41.280 Possessing dangerous weapons on school facilities
- 9.41.290 State preemption
- 9.41.300 Weapons prohibited in certain places
- 9.41.800 Surrender of weapons or licenses
- 9.41.810 Penalty

**Section 3.** PMC 9.40.020 and Ordinance 97-33 Section 1 are hereby amended to read as follows:

9.40.020 Washington state explosives act - statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 70.74 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

**RCW**

- 70.74.010 Definitions
- 70.74.100 Storage of caps with explosives prohibited
- 70.74.160 Unlawful access to explosives
- 70.74.295 Abandonment of explosives
- 70.74.300 Explosives containers to be marked – penalty
- 70.74.310 Gas bombs, explosives, stink bombs, etc.
- 70.74.400 Seizure and forfeiture
- 70.74.410 Reporting theft or loss of explosives

**Section 4.** PMC 9.40.030 and Ordinance 97-33 Section 1 are hereby amended to read as follows:

9.40.030 Fish and wildlife - statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 77.15 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

77.15.460 Loaded firearm in vehicle – unlawful use or possession – penalty

**Section 5.** PMC 9.40.040 and Ordinance 97-33 Section 1 are hereby amended to read as follows:

9.40.040 Unlawful use of air guns, bow and arrow and crossbow – penalty

A. It is unlawful for any person to point or shoot an air gun, bow and arrow or crossbow at any person or at the property of another, or to arm or discharge such weapons in the direction of the person or property of another.

B. As used in this section, the words “air gun” mean and include the following: air guns, air pistols, air rifles, BB guns and toys or other guns of any kind or nature when designed, contrived, modified or used to propel, by compressed air or spring-loaded plunger, any pellet, dart, dart-tipped arrow, bean, pea, BB, rock or other hard substance.

C. Any person convicted of a violation of the provisions of this Section is guilty of a gross misdemeanor and, in addition to any other punishment imposed by the court, the court may direct that the weapon so used in violation of the provisions hereof be confiscated and destroyed.

D. This prohibition does not apply to the discharge of firearms by law enforcement officers engaged in the performance of their official powers or duties.

**Section 6.** A new section is added to Chapter 9.40 of the Poulsbo Municipal Code to read as follows:

9.40.050 Destruction, trade or sale of forfeited firearms

A. Firearms that are: (1) judicially forfeited and no longer needed for evidence, or (2) forfeited due to a failure to make a claim under RCW 63.32.010 or 64.40.010 may be disposed by the city.

B. The city may destroy, retain, trade, auction or arrange for an auction of forfeited firearms obtained on or after June 30, 1993, pursuant to Section 9.01.010, adopting by reference RCW Section 9.41.098

C. The city may retain the proceeds of any trade or auction of forfeited firearms.

**Section 7.** A new section is added to Chapter 9.40 of the Poulsbo Municipal Code to read as follows:

9.40.080 Penalty

A. Unless otherwise provided, any person violating any of the provisions of this chapter shall be guilty of a misdemeanor.

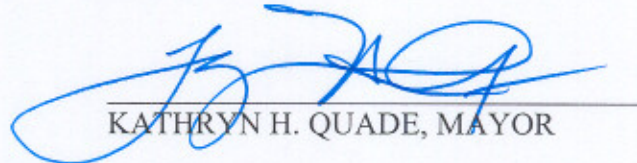
B. Such penalty is in addition to any other remedies or penalties specifically provided by law. For each act herein prohibited of a continuing nature, each day shall be considered a separate offense.

**Section 7. Severability**

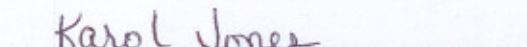
If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 8. Effective Date:** This ordinance shall take effect and be in full force five (5) days after the publication of the attached summary, which is hereby approved.

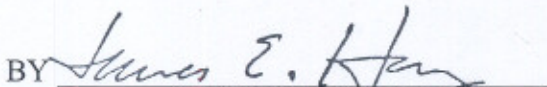
APPROVED:

  
KATHRYN H. QUADE, MAYOR

ATTEST/AUTHENTICATED:

  
CITY CLERK KAROL JONES, CMC

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY   
JAMES E. HANEY

FILED WITH THE CITY CLERK: 9/24/2007  
PASSED BY THE CITY COUNCIL: 10/3/2007  
PUBLISHED: 10/20/2007  
EFFECTIVE DATE: 10/25/2007  
ORDINANCE NO. 2007-35

**SUMMARY OF ORDINANCE NO. 2007-35**

of the City of Poulsbo, Washington

On the 3<sup>rd</sup> day of October, 2007, the City Council of the City of Poulsbo, passed Ordinance No. 2007-35. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, RELATING TO FIREARMS, EXPLOSIVES, AND DANGEROUS WEAPONS; AMENDING CHAPTER 9.40 TO BE KNOWN AS FIREARMS AND DANGEROUS WEAPONS; AND AMENDING 9.40.010 TO FIREARMS AND DANGEROUS WEAPONS – STATUTES ADOPTED BY REFERENCE, 9.40.020 TO WASHINGTON STATE EXPLOSIVES ACT – STATUTES ADOPTED BY REFERENCE, 9.40.030 TO FISH AND WILDLIFE – STATUTES ADOPTED BY REFERENCE, 9.40.040 TO UNLAWFUL USE OF AIR GUNS, BOW AND ARROW AND CROSSBOW – PENALTY; AND ADDING NEW SECTIONS 9.40.050 DESTRUCTION, TRADE OF SALE OF FORFEITED FIREARMS, 9.04.080 PENALTY, AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 5<sup>th</sup> day of October, 2007.

Karol Jones  
CITY CLERK KAROL JONES, CMC