



CITY OF KIRKLAND
Police Department
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MEMORANDUM

To: David Ramsay, City Manager

From: Police Chief Stan Aston
Captain Eric Olsen

Date: March 13, 2007

Subject: Amending Sections 11.41.140 and 11.41.150 of the Kirkland Municipal Code Relating to Air Guns

RECOMMENDATION:

Council pass the attached Ordinance relating to air guns.

BACKGROUND DISCUSSION:

Police have seen an increase in calls for service relating to “kids with guns.” Upon responding, Officers often determine that the “guns” are in fact replicas, designed to shoot a metal or plastic “BB” or pellet. Many of these replicas look authentic and other than the weight of the weapon and a brightly colored barrel tip, are undistinguishable from a real firearm.

Examples of calls officers have responded to involving these types of guns include:

- Child with a gun at school
- Assault with a gun in a City park
- Prowlers with guns
- Road rage involving a weapon

In order to better define an “air gun,” reduce these types of calls, and increase accountability, KMC Sections 11.41.140 and 11.41.150 should be amended to include the following changes:

1. KMC 11.41.140 - “Air gun” means and includes the following: air gun, air pistol, air rifle, BB gun and toy guns of any kind or nature when so designed, contrived, modified and used to propel, by compressed air, gas, electricity, or spring loaded plunger, any pellet, dart, hard-tipped arrow, bean, pea, BB (metal or plastic), paint ball, rock or other hard substance a distance of more than twenty-five feet with sufficient force to break windows or inflict injury upon persons or animals.
2. The age for possession without adult supervision was changed from sixteen years to eighteen years of age.
3. The wording “to cause or inflict injury” was changed to “would make possible injury”, in order to recognize that only the potential for injury had to exist.

Memorandum to David Ramsay

March 13, 2007

Page 2

It is the intent of the amended ordinance to reduce the number of calls for service involving unsupervised juveniles with air guns, increase public safety by requiring an adult be present when air guns are being used for recreational purposes, and potentially avoid a tragedy, where a "toy gun" is mistaken for a real firearm.

Please let me know if you have any questions.

ORDINANCE 4093

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO AIR GUNS AND AMENDING SECTIONS 11.41.140 AND 11.41.150 OF THE KIRKLAND MUNICIPAL CODE.

The City Council of the City of Kirkland do ordain as follows:

Section 1. Section 11.41.140 of the Kirkland Municipal Code is hereby amended to read as follows:

11.41.140 Air gun defined.

As used in this chapter, "air gun" means and includes the following: air gun, air pistol, air rifle, BB gun and toy guns of any kind or nature when so designed, contrived, modified and used to propel, by compressed air, gas, electricity, or spring loaded plunger, any pellet, dart, hard-tipped arrow, bean, pea, BB (metal or plastic), paint ball, rock or other hard substance a distance of more than twenty-five feet with sufficient force to break windows or inflict injury upon persons or animals.

Section 2. Section 11.41.150 of the Kirkland Municipal Code is hereby amended to read as follows:

11.41.150 Possession of air guns.

(a) Except as hereinafter provided, it is unlawful:

(1) For any person under ~~sixteen~~ eighteen years of age to carry or shoot any air gun within the city when not in the presence of his parent or other adult in loco parentis and under the direction and control of such adult;

(2) For any parent or person in loco parentis to allow, give or permit the possession of any air gun, falling within the definition contained in Section 11.41.140, to any child under the age of ~~sixteen~~ eighteen years, except under the provisions of subsection (1) above;

(3) For any person to point or shoot an air gun at any person or property of another, or to aim or discharge such weapons in the direction of the person or residence of another, while within such range as ~~to cause or inflict~~ would make possible injury to the person or damage the property of another;

(4) For any person to point or shoot an air gun in the direction of, while within such range as to kill, injure, or disturb any nongame bird or harmless bird or songbird;

(5) For any merchant to sell or rent any air guns to minors under ~~sixteen~~ eighteen years of age, except when such minor is in the presence of his parent or other adult in charge of such child.

(b) Provided further, that the provisions of Sections 11.41.150(3) and 11.41.150(4) shall not prohibit the use of such weapons by a person over ~~sixteen~~ eighteen years of age, when such use is reasonably necessary and

represents reasonable force in the protection of the person or property of the user or another.

Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2007.

Signed in authentication thereof this _____ day of _____, 2007.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney