



CITY OF KIRKLAND

City Attorney's Office

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www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Cherie Harris, Police Chief
Kevin Raymond, City Attorney

Date: March 22, 2019

Subject: RESTRICTING THE DISCHARGE OF FIREARMS THROUGHOUT KIRKLAND

RECOMMENDATION:

That City Council considers the attached ordinance adding a new Section 11.41.180 to the Kirkland Municipal Code ("KMC"), restricting the discharge of firearms throughout Kirkland except for the discharge of firearms at licensed rifle and pistol shooting ranges, by law enforcement officers engaged in the performance of their official powers or duties, and by individuals exercising their constitutional right to defend themselves and others. The ordinance will return to a future Council meeting for final action following Council discussion and input.

BACKGROUND DISCUSSION:

The City of Kirkland ("City") is committed to remaining a safe, welcoming and inclusive community. As part of this effort, the City is committed to supporting safe and responsible gun ownership. RCW 9.41.300 authorizes cities to adopt ordinances restricting the discharge of firearms in areas of their jurisdictions where it is determined there is a reasonable likelihood that human, domestic animals or property will be jeopardized, provided such ordinances do not infringe on the constitutional right of individuals under Article I, Section 24 of the Washington Constitution to defend themselves and others.

Kirkland is continuing to grow rapidly and now has a population of nearly 90,000 living in an increasingly urban and built-out environment. It is no longer safe to discharge firearms anywhere in the city without placing life and property at risk, though certain exceptions identified below are recommended for inclusion in the proposed ordinance.

Ordinances restricting the discharge of firearms have been adopted in many cities in the state, including Auburn, Issaquah, Mukilteo, Oak Harbor, Olympia, Port Orchard, Redmond and Spokane Valley. The approach taken in these ordinances has varied. Some ordinances limit the discharge of firearms in areas of cities where the reasonable likelihood of injury exists without defining those areas. Some recognize the constitutional rights of individuals under Article I, Section 24 of the Washington Constitution without specifically identifying the to right defend self and others. The attached draft ordinance would apply throughout Kirkland and specifically identify the constitutional right of individuals to defend themselves and others.

Some ordinances, such as those adopted in Redmond and Issaquah, create exceptions for licensed rifle and pistol shooting ranges and for police officers engaged in the performance of their official powers or duties. The attached draft ordinance follows that approach.

Attachment: Draft Ordinance

ORDINANCE O-####

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO FIREARMS AND WEAPONS AND RESTRICTING THE DISCHARGE OF FIREARMS.

WHEREAS, the City of Kirkland ("City") is committed to helping keep Kirkland a safe, welcoming and inclusive city for all people; and

WHEREAS, as part of that effort the City is committed to helping foster safe and responsible firearms ownership and practices in Kirkland; and

WHEREAS, Kirkland is a growing city of almost 90,000 residents in an increasingly urban, built environment; and

WHEREAS, the City Council has concluded there are no longer any areas within Kirkland in which it is safe for individuals other than law enforcement officers in the line of duty or individuals in the defense of self or others to discharge firearms without creating a reasonable likelihood of putting humans, domestic animals or property in jeopardy; and

WHEREAS, RCW 9.41.300 authorizes cities to enact ordinances restricting the discharge of firearms in any portion of their jurisdiction where there is a reasonable likelihood that humans, domestic animals or property will be jeopardized, provided such ordinance does not abridge the right of the individual guaranteed by Article I, Section 24 of the Washington Constitution to bear arms in defense of self or others; and

WHEREAS, various cities have enacted such restrictions while creating exceptions for properly licensed rifle and pistol firing ranges and the discharge of firearms by law enforcement officers engaged in the performance of their official powers or duties.

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. A new Section 11.41.180 of the Kirkland Municipal Code is created to read as follows:

11.41.180 Restricting the discharge of firearms.

Except for law enforcement officers in the performance of their official powers or duties and individuals in the lawful defense of self or others, it is unlawful to discharge any firearm in any portion of the city, due to the reasonable likelihood that humans, domestic animals, or property will be jeopardized thereby; provided, however, the provisions of this section shall not apply to a rifle or pistol firing range which has been issued a business license by the city for such purpose.

Section 2. 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 _____, 2019.

Signed in authentication thereof this ____ day of _____, 2019.

Penny Sweet, Mayor

Attest:

Kathi Anderson, City Clerk

Approved as to Form:

Kevin Raymond, City Attorney

DRAFT