



## CITY OF KIRKLAND

City Attorney's Office  
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### MEMORANDUM

**To:** Kurt Triplett, City Manager

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

**Date:** April 25, 2019

**Subject:** FIREARMS AND WEAPONS AND RESTRICTING THE DISCHARGE OF  
FIREARMS THROUGHOUT KIRKLAND

#### **RECOMMENDATION:**

That City Council approve 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.

#### **BACKGROUND DISCUSSION:**

The City of Kirkland ("City") is committed to remaining a safe, welcoming and inclusive community. As part of this effort, the City supports 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 right to defend self and others. The attached 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 ordinance was initially discussed by the Council at

its April 2, 2019. The ordinance incorporates Council feedback from that discussion and follows the models currently in place in cities like Redmond and Issaquah.

Attachment: Ordinance

ORDINANCE O-4686

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

1           WHEREAS, the City of Kirkland ("City") is committed to helping  
2 keep Kirkland a safe, welcoming and inclusive city for all people; and  
3

4           WHEREAS, as part of that effort the City is committed to helping  
5 foster safe and responsible firearms ownership and practices in Kirkland;  
6 and  
7

8           WHEREAS, Kirkland is a growing city of almost 90,000 residents  
9 in an increasingly urban, built environment; and  
10

11           WHEREAS, the City Council has concluded there are no longer  
12 any areas within Kirkland in which it is safe for individuals other than  
13 law enforcement officers in the line of duty or individuals in the defense  
14 of self or others to discharge firearms without creating a reasonable  
15 likelihood of putting humans, domestic animals or property in jeopardy;  
16 and  
17

18           WHEREAS, RCW 9.41.300 authorizes cities to enact ordinances  
19 restricting the discharge of firearms in any portion of their jurisdiction  
20 where there is a reasonable likelihood that humans, domestic animals  
21 or property will be jeopardized, provided such ordinance does not  
22 abridge the right of the individual guaranteed by Article I, Section 24 of  
23 the Washington Constitution to bear arms in defense of self or others;  
24 and  
25

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

30           NOW, THEREFORE, the City Council of the City of Kirkland do  
31 ordain as follows:  
32

33           Section 1. A new Section 11.41.180 of the Kirkland Municipal  
34 Code is hereby created to read as follows:  
35

36           11.41.180 Restricting the discharge of firearms.

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

44            Section 2. This ordinance shall be in force and effect five days  
45 from and after its passage by the Kirkland City Council and publication,  
46 as required by law.

47  
48            Passed by majority vote of the Kirkland City Council in open  
49 meeting this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

50  
51            Signed in authentication thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Penny Sweet, Mayor

Attest:

\_\_\_\_\_  
Kathi Anderson, City Clerk

Approved as to Form:

\_\_\_\_\_  
Kevin Raymond, City Attorney