

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5271

AN ORDINANCE regarding Firearms and Dangerous Weapons; amending Bellevue City Code Section 10.41.230, Aiming or discharging firearms; Bellevue City Code Section 10.41.270, Weapons apparently capable of producing bodily harm, carrying, exhibiting, displaying or drawing unlawful - Penalty - Exceptions; Bellevue City Code Section 10.41.280, Dangerous weapons; adding new sections 10.41.250, Possessing dangerous weapons on school facilities – Penalty – Exceptions; 10.41.260 Dangerous exhibitions; to the Bellevue City Code.

WHEREAS, state firearms and weapons laws include several misdemeanor and gross misdemeanor provisions which, in order to be enforced and prosecuted by the City, must be adopted into the Bellevue City Code; and

WHEREAS, the adopted provisions must be consistent with and have the same penalties as those set forth in state law; and

WHEREAS, the provisions herein are consistent with and have the same penalties as parallel state law provisions; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Bellevue City Code Section 10.41.230 is amended to read as follows:

10.41.230 Aiming or discharging firearms, dangerous weapons.

For conduct not amounting to a violation of chapter 9A.36 RCW, any person who:

1. Aims any firearm, whether loaded or not, at or towards any human being; or
2. Willfully discharges any firearm, air gun, or other weapon, or throws any deadly missile in a public place or in any place where a person may be endangered thereby. A public place shall not include any location at which firearms are authorized to be lawfully discharged; or
3. Except as provided in RCW 9.41.185, sets a so-called trap, spring pistol, rifle, or other dangerous weapon, although no injury results, is guilty of a gross misdemeanor.

Section 2. Bellevue City Code Section 10.41.270 is amended to read as follows:

10.41.270 Weapons apparently capable of producing bodily harm – Unlawful carrying or handling - Penalty - Exceptions.

A. It shall be unlawful for any person to carry, exhibit, display, or draw any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.

B. Any person violating the provisions of subsection A. above shall be guilty of a gross misdemeanor. If any person is convicted of a violation of subsection A. of this section, the person shall lose his or her concealed pistol license, if any. The court shall send notice of the revocation to the department of licensing, and the city, town or county which issued the license.

C. Subsection A. of this section shall not apply to or affect the following:

1. Any act committed by a person while in his or her place of abode or fixed place of business;
2. Any person who by virtue of his or her office or public employment is vested by law with a duty to preserve public safety, maintain public order, or make arrests for offenses, while in the performance of such duty;
3. Any person acting for the purpose of protecting himself or herself against the use of presently threatened unlawful force by another, or for the purpose of protecting another against the use of such unlawful force by a third person;
4. Any person making or assisting in making a lawful arrest for the commission of a felony; or
5. Any person engaged in military activities sponsored by the federal or state governments.

Section 3. Bellevue City Code Section 10.41.280 is amended to read as follows:

10.41.280 Dangerous weapons - Penalty.

Every person who:

- A. Manufactures, sells, or disposes of or possesses any instrument or weapon of the kind usually known as slung shot, sand club, or metal knuckles, or spring blade knife, or any knife the blade of which is automatically released by a spring mechanism or other mechanical device, or any knife having a blade which opens, or falls, or is ejected into position by the force of gravity, or by an outward, downward, or centrifugal thrust or movement; or
- B. Furtively carries with intent to conceal any dagger, dirk, pistol, or other dangerous weapon; or
- C. Uses any contrivance or device for suppressing the noise of any firearm, is guilty of a gross misdemeanor.

Section 4. A new section 10.41.250, Possessing dangerous weapons on school facilities – Penalty – Exceptions, is hereby added to the Bellevue City Code to read as follows:

10.41.250 Possessing dangerous weapons on school facilities - Penalty - Exceptions.

- A. It is unlawful for a person to carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools:
 1. Any firearm;
 2. Any other dangerous weapon as defined in RCW 9.41.250;

3. Any device commonly known as "nun-chu-ka sticks", consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope or other means;

4. Any device, commonly known as "throwing stars", which are multi-pointed, metal objects designed to embed upon impact from any aspect; or

5. Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide or other gas.

B. Any such person violating subsection (A.) of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (A.)(1.) of this section, the person shall have his or her concealed pistol license, if any, revoked for a period of three years. Anyone convicted under this is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

Upon the arrest of a person at least twelve years of age and not more than twenty-one years of age for violating subsection (A.)(1.) of this section, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. The person shall not be released within the seventy-two hours until after the person has been examined and evaluated by the county-designated mental health professional unless the court in its discretion releases the person sooner after determination regarding probable cause or on probation bond or bail.

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the county-designated mental health professional for examination and evaluation under chapter 71.05 or 71.34 RCW and inform a parent or guardian of the person of the arrest, detention, and examination.

C. Subsection A. of this section does not apply to:

1. Any student or employee of a private military academy when on the property of the academy;

2. Any person engaged in military, law enforcement, or school district security activities;

3. Any person who is involved in a convention, showing demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;

4. Any person while the person is participating in a firearms or air gun competition approved by the school or school district;

5. Any person in possession of a pistol who has been issued a license under RCW 9.41.070 , or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a student;

6. Any nonstudent at least eighteen years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;

7. Any nonstudent at least eighteen years of age who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; or

8. Any law enforcement officer of the federal, state or local government agency.

D. Subsections A. 3 and 4 of this section do not apply to any person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.

E. Except as provided in subsection C. 2, 3, 6 and 8 of this section, firearms are not permitted in a public or private school building.

F. "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

Section 5. A new section 10.41.260, Dangerous exhibitions, is hereby added to the Bellevue City Code to read as follows:

10.41.260 Dangerous exhibitions.

Every proprietor, lessee, or occupant of any place of amusement, or any plat of ground or building, who allows it to be used for the exhibition of skill in throwing any sharp instrument or in shooting any bow gun or firearm of any description, at or toward any human being, is guilty of a misdemeanor.

Section 6. This ordinance shall take effect and be in force thirty (30) days after passage by the City Council.

Passed by the City Council this 5th day of February, 2001, and signed in authentication of its passage this 5th day of February, 2001.

(SEAL)

Chuck Mosher, Mayor

Approved as to form:
Richard L. Andrews, City Attorney
Susan Irwin, Assistant City Attorney

Attest:
Myrna L. Basich, City Clerk

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