

Ordinance No. 110462

AN ORDINANCE relating to the Seattle Criminal Code and to weapons control; amending Section 12A.14.010 of the Seattle Municipal Code to define aerosol tear gas personal protection device, amending Section 12A.14.080 of the Seattle Municipal Code relating to the unlawful use of weapons, and amending Section 12A.14.090 of the Seattle Municipal Code to create an affirmative defense for the possession and sale of aerosol tear gas personal protection devices by persons eighteen years or older.

COMPTROLLER
FILE NUMBER

CR 103704

Council Bill No.

INTRODUCED:

2-16-82

BY:

Hildat

REFERRED:

2-16-82

Full Council

REFERRED:

REFERRED:

REPORTED:

FEB 22 1982

SECOND READING:

FEB 22 1982

THIRD READING:

FEB 22 1982

SIGNED:

FEB 22 1982

PRESENTED TO MAYOR:

FEB 23 1982

APPROVED:

RETD. TO CITY CLERK:

PUBLISHED:

VETOED BY MAYOR:

VETO PUBLISHED:

PASSED OVER VETO:

VETO SUSTAINED:

W

____ LIGHT ____ HEALTH
____ ENG ____ PARKS
____ DCLD ____ L & CA
____ DGD / Water
____ LAW / Police

- Juv -

2/16/82

ORDINANCE 110462

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3 AN ORDINANCE relating to the Seattle Criminal Code and to weapons control;
4 amending Section 12A.14.010 of the Seattle Municipal Code to define
5 aerosol tear gas personal protection device, amending Section 12A.14.080
6 of the Seattle Municipal Code relating to the unlawful use of weapons,
and amending Section 12A.14.090 of the Seattle Municipal Code to create
an affirmative defense for the possession and sale of aerosol tear gas
personal protection devices by persons eighteen years or older.

7 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

8 Section 1. Section 12A.14.010 of the Seattle Municipal Code (Section
9 12A.17.010 of Ordinance 102843 as last amended by Ordinance 103472), is
10 further amended as follows:

11 12A.14.010 Definitions.

12 The following definitions apply in this chapter:

13 A. "Aerosol tear gas personal protection device" means a container for
14 dispensing a tear gas, the active ingredients of which is either chlora-
15 cetophenone (CN) or O-chlorobenzylidene malonitrile (CS) within the
16 range of 0.8% to 1.2% of the net contents by volume, which container has
a net weight of 150 grams or less.

17 ((A+)) B. "Crime of violence" means any of the following crimes or an
18 attempt to commit any of the same: Murder, manslaughter, rape, riot,
19 mayhem, first-degree assault, second-degree assault, robbery, burglary
and kidnapping.

20 ((B+)) C. "Dangerous knife" means any knife having a blade more than
21 three and one-half inches in length, or any dagger, sword, bayonet,
22 bolo knife, hatchets, straight-edge razor, or razor blade not in a
23 package.

24 ((G+)) D. "Fugitive from justice" means a person who, having committed
25 a crime, flees from the jurisdiction where it was committed to evade
26 arrest.

27 ((D+)) E. "Gas pen," "gas pencil," "gas bomb" and "gas pistol" mean
28 any pen, pencil, bomb, pistol or other device which is capable of
containing and emitting tear gas or any noxious liquid, gas or substance.

1 ((E+)) F. "Pistol" means any firearm or other weapon for the purposes
2 of discharging a projectile by means of compressed air, chemical
3 combustion, or otherwise and having a barrel less than twelve inches
4 in length.

5 Section 2. Seattle Municipal Code Section 12A.14.080 (Ordinance 102843
6 Section 12A.17.040 as last amended by Ordinance 100179) is further amended
7 as follows:

8 Section 12A.14.080. Unlawful Use of Weapons.

9 A. Sell, manufacture, purchase, possess or carry any blackjack, sand-club,
10 metal knuckles, switchblade knife, chako sticks, or throwing stars; or

11 B. Carry concealed on his person any dangerous knife or deadly weapon
12 other than a pistol provided, that a dangerous knife carried openly in a
13 sheath suspended from the waist of a person is not concealed within the
14 meaning of this sub-section; or

15 C. Carry a loaded pistol in any vehicle or carry a pistol concealed on
16 his person, except when in his place of abode or fixed place of business,
17 without a license therefor as provided in RCW Chapter 9.41 and Section
18 12A.14.030; or

19 D. Sell or give away to any person under eighteen years of age any
20 dangerous knife or deadly weapon, or for any person under eighteen years of
21 age to purchase any dangerous knife or deadly weapon except when under the
22 direct supervision of an adult; or

23 E. Set a spring gun; or

24 F. Use any device or attachment of any kind designed, used or intended
25 for use in silencing the noise of any firearm; or

26 G. Sell, purchase, possess or carry any gas pen, pencil, gas bomb or
27 gas pistol except as provided in 12A.14.090.

28 Section 3. Seattle Municipal Code Section 12A.14.090 (Ordinance 102843
Section 12A.17.160(1), as last amended by Ordinance 109674) is further
amended as follows:

12A.14.090 Affirmative defenses.

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The proscriptions of Section 12A.14.080 ((F)G) relating to gas pens, gas pencils, gas bombs, and gas pistols, shall not apply to:

- A. Sales at wholesale; or
- B. Peace officers or military personnel while in the performance of their official duties; or
- C. Sales to a governmental agency; or
- D. The sale to mail carriers, field personnel of the King County Department of Assessments, or public or private utility meter readers, or the purchase, possession or carrying by any such persons, of aerosol canister devices designed for the purpose of repelling attacks by dogs or other animals and containing and capable of emitting in spray form oleoresin of capsicum or other similar substance (~~((G))~~).

~~((E. The sale, by a person licensed to sell pistols in accordance with RCW 9A.41.110, of Federal's Streamer No. 280 liquid tear gas repeater or similar liquid tear gas aerosol canister devices approved by the Chief of Police as safe against accidental firing and capable of only temporary disablement or impairment, to truck drivers, taxicab drivers, transit drivers, or other commercial drivers who regularly as part of their occupation carry cash or merchandise, or to the purchase, possession or carrying during working hours of such device by such persons.))~~

E. The purchase, possession or carrying of an aerosol tear gas personal protection device by any person eighteen years or older.

F. The sale, gift or furnishing of an aerosol tear gas personal protection device to any person eighteen years or older. Any aerosol tear gas personal protection device which is sold shall have legibly printed on the outside of the device the following warning: "WARNING: Device Not Effective Against All Persons. Do Not Place Undue Reliance on this Device."

(To be used for all Ordinances except Emergency.)

Section 4. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 22nd day of February, 1982, and signed by me in open session in authentication of its passage this 22nd day of February, 1982.

Samuel Williams
President of the City Council.

Approved by me this 4th day of March, 1982.

Charles Royer
Mayor.

Filed by me this 4th day of March, 1982.

Attest: *Jim Hill*
City Comptroller and City Clerk.

(SEAL)

Published.....

By: *Theresa J. Timban*
Deputy Clerk.

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AN ORDINANCE relating to the Seattle Criminal Code and to weapons control; amending Section 12A.14.010 of the Seattle Municipal Code to define aerosol tear gas personal protection device, amending Section 12A.14.080 of the Seattle Municipal Code relating to the unlawful use of weapons, and amending Section 12A.14.090 of the Seattle Municipal Code to create an affirmative defense for the possession and sale of aerosol tear gas personal protection devices by persons eighteen years or older.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 12A.14.010 of the Seattle Municipal Code (Section 12A.17.010 of Ordinance 102843 as last amended by Ordinance 103472), is further amended as follows:

12A.14.010 Definitions.

The following definitions apply in this chapter:

A. "Aerosol tear gas personal protection device" means a container for dispensing a tear gas, the active ingredients of which is either chloracetophenone (CN) or O-chlorobenzylidene malonitrile (CS) within the range of 0.8% to 1.2% of the net contents by volume, which container has a net weight of 150 grams or less.

(A-) B. "Crime of violence" means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, riot, mayhem, first-degree assault, second-degree assault, robbery, burglary and kidnapping.

((B-)) C. "Dangerous knife" means any knife having a blade more than three and one-half inches in length, or any dagger, sword, bayonet, bolo knife, hatchets, straight-edge razor, or razor blade not in a package.

((C-)) D. "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

((D-)) E. "Gas pen," "gas pencil," "gas bomb" and "gas pistol" mean any pen, pencil, bomb, pistol or other device which is capable of containing and emitting tear gas or any noxious liquid, gas or substance.

((E-)) F. "Pistol" means any firearm or other weapon for the purposes of discharging a projectile by means of compressed air, chemical combustion, or otherwise and having a barrel less than twelve inches in length.

Section 2. Seattle Municipal Code Section 12A.14.080 (Ordinance 102843 Section 12A.17.040 as last amended by Ordinance 100179) is further amended as follows:

Section 12A.14.080. Unlawful Use of Weapons.

A. Sell, manufacture, purchase, possess or carry any blackjack, sand-club metal knuckles, switchblade knife, chako sticks, or throwing stars; or

B. Carry concealed on his person any dangerous knife or deadly weapon other than a pistol provided, that a dangerous knife carried open in a sheath suspended from the waist of a person is not concealed within the meaning of this sub-section; or

C. Carry a loaded pistol in any vehicle or carry a pistol concealed on his person, except when in his place of abode or fixed place of business, without a license therefor as provided in RCW Chapter 9.41 and Section 12A.14.030; or

D. Sell or give away to any person under eighteen years of age any dangerous knife or deadly weapon, or for any person under eighteen years of age to purchase any dangerous knife or deadly weapon except when under the direct supervision of an adult; or

E. Set a spring gun; or

F. Use any device or attachment of any kind designed, used or intended for use in silencing the noise of any firearm; or

G. Sell, purchase, possess or carry any gas pen, pencil, gas bomb or gas pistol except as provided in 12A.14.090.

Section 3. Seattle Municipal Code Section 12A.14.090 (Ordinance 102843 Section 12A.17.160(1), as last amended by Ordinance 109674) is further amended as follows:

12A.14.090 Affirmative defenses.

The proscriptions of Section 12A.14.080 ((F)) relating to gas pens, gas pencils, gas bombs, and gas pistols, shall not apply to:

A. Sales at wholesale; or

B. Peace officers or military personnel while in the performance of their official duties; or

C. Sales to a governmental agency; or

D. The sale to mail carriers, field personnel of the King County Department of Assessments, or public or private utility meter readers, or the purchase, possession or carrying by any such persons, of aerosol canister devices designed for the purpose of repelling attacks by dogs or other animals and containing and capable of emitting in spray form oleoresin of capsicum or other similar substance ((+or)).

((E- The sale, by a person licensed to sell pistols in accordance with RCW 9.41.110, of Federal's Streamer No. 260 liquid-tear gas repeater or similar liquid-tear gas aerosol canister devices approved by the Chief of Police as safe against accidental firing and capable of only temporary disablement or impairment, to truck drivers, taxicab drivers, transit drivers, or other commercial drivers who regularly as part of their occupation carry cash or merchandise, or to the purchase, possession or carrying during working hours of such device by such persons.))

E. The purchase, possession or carrying of an aerosol tear gas personal protection device by any person eighteen years or older.

F. The sale, gift or furnishing of an aerosol tear gas personal protection device to any person eighteen years or older. Any aerosol tear gas personal protection device which is sold shall have legibly printed on the outside of the device the following warning: "WARNING. Device Not Effective Against All Persons. Do Not Place Undue Reliance on this Device."

Section 4. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 22nd day of February, 1982, and signed by me in open session in authentication of its passage this 22nd day of February, 1982.

Approved by me this 4th day of March, 1982.

Filed by me this 4th day of March, 1982.

Attest: Tim Hill, City Comptroller and City Clerk.

(SEAL)

By: Thomas J. ... Deputy Clerk.

Publication ordered by TIM HILL, Comptroller and City Clerk. Date of Official Publication in the Daily Journal of Commerce, Seattle, March 9, 1982. (C-134)

C-134

Affidavit of Publication

REC-
2, 1982
3, 1982

STATE OF WASHINGTON KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

Ordinance No. 110462

was published on March 9, 1982

J. Summers
Subscribed and sworn to before me on

March 9, 1982

J. Mahalyo
Notary Public for the State of Washington,
residing in Seattle.