

ORDINANCE No. 117058

COUNCIL BILL No. 110053

AN ORDINANCE relating to "aerosol tear gas personal protection devices"; amending the definition of "aerosol tear gas personal protection device" by clarifying the existing definition and expanding it to include devices with the active ingredient oleoresin capsicum, and repealing a provision requiring a printed warning on such devices, in connection with Sections 12A.14.010 and 12A.14.090 of the Seattle Municipal Code.

SECTION	AMENDMENT	DATE
12A.14.010	AMEND	11/15/05
12A.14.090	REPEAL	11/15/05
12A.14.010	AMEND	11/15/05
12A.14.090	REPEAL	11/15/05
12A.14.010	AMEND	11/15/05
12A.14.090	REPEAL	11/15/05
12A.14.010	AMEND	11/15/05
12A.14.090	REPEAL	11/15/05
12A.14.010	AMEND	11/15/05
12A.14.090	REPEAL	11/15/05

58

3

tear gas
ending the
personal
the existing
clude
ent oleoresin
on requiring
s, in connec-
12A.14.090

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

Honorable President:

Your Committee on _____

to which was referred the within Council Bill No. _____

report that we have considered the same and respectfully recommend that the same:

Full Council vote 8-0

Committee Chair

PAGGER
PUBLIC SAFETY COMMITTEE
FEB 2 1964
FEB 2 1964

ORDINANCE 117058

1 AN ORDINANCE relating to "aerosol tear gas personal protection
2 devices"; amending the definition of "aerosol tear gas personal
3 protection device" by clarifying the existing definition and
4 expanding it to include devices with the active ingredient
5 oleoresin capsicum, and repealing a provision requiring a
6 printed warning on such devices, in connection with Sections
7 12A.14.010 and 12A.14.090 of the Seattle Municipal Code.

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

9 Section 1. Section 12A.14.010 of the Seattle Municipal
10 Code (Ordinance 102843 § 12A.17.010, as last amended by
11 Ordinance 113547 § 1) is further amended as follows:

12 12A.14.010 Definitions.

13 The following definitions apply in this chapter:

14 A. "Aerosol tear gas personal protection device" means a
15 commercially manufactured hand-held container for dispensing
16 tear gas by aerosol spray, the active ingredient of which is:

17 1. either chloracetophenone (CN) or O-
18 chlorobenzylidene malonotrile (CS) within the range of 0.8% to
19 1.2% of the net contents by volume, which container has a net
20 weight of one hundred-fifty (150) grams or less; or

21 2. oleoresin capsicum (OC); or

22 3. a mixture of oleoresin capsicum (OC), and either
23 chloracetophenone (CN) or O-chlorobenzylidene malonotrile (CS)
24 within the range of 0.8% to 1.2% CN or CS of the net contents by
25 volume, which container has a net weight of one hundred-fifty
26 (150) grams or less.

27 "Aerosol tear gas personal protection device" does not
28 include devices that are designed to release solid projectiles,
or that are intended to be thrown or propelled.

B. "Commercial seller" means a person who has a federal
firearms license.

C. "Crime of violence means the following felonies, as
now existing or hereafter amended:

1. Any felony defined under any law as a class A
felony or an attempt to commit a class A felony, criminal

MARK H. BERAN
SEATTLE CITY ATTORNEY
600 FOURTH AVENUE
10TH FLOOR
SEATTLE, WA 98104
(206) 684-6200 FAX: (206) 684-6284
CS 192

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

1 solicitation of or criminal conspiracy to commit a class A
2 Felony, manslaughter in the first degree, manslaughter in the
3 second degree, indecent liberties if committed by forcible
4 compulsion, rape in the second degree, kidnapping in the second
5 degree, arson in the second degree, assault in the second
6 degree, extortion in the first degree, burglary in the second
7 degree, and robbery in the second degree;

8 2. Any conviction for a felony offense in effect at
9 any time prior to July 1, 1976, which is comparable to a felony
10 classified as a crime of violence in subsection C1 of this
11 section; and

12 3. Any federal or out-of-state conviction for an
13 offense comparable to a felony classified as a crime of violence
14 under subsection C1 or 2 of this section.

15 D. "Dangerous knife" means any fixed-blade knife and any
16 other knife having a blade more than three and one-half inches
17 (3½") in length.

18 E. "Fixed-blade knife" means any knife regardless of
19 blade length, with a blade which is permanently open and does
20 not fold, or retract or slide into the handle of the knife, and
21 includes any dagger, sword, bayonet, bolo knife, hatchet, axe,
22 straight-edged razor, or razor blade not in a package, dispenser
23 or shaving appliance.

24 F. "Firearm" means a weapon or device from which a
25 projectile may be fired by an explosive such as gunpowder.

26 G. "Gas pen," "gas pencil," "gas bomb" and "gas pistol"
27 means any pen, pencil, bomb, pistol or other device which is
28 capable of containing and emitting tear gas or any noxious
liquid, gas or substance.

H. "Short firearm" or "pistol" means any firearm having
a barrel less than twelve inches (12") in length.

I. "Switchblade knife" means any knife having a blade
that opens automatically by hand pressure applied to a button,

MARK H. SIDRAN
SEATTLE CITY ATTORNEY
600 FOURTH AVENUE
10TH FLOOR
SEATTLE, WA 98104
(206) 684-8200 FAX: (206) 684-8284
CS 192

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

spring mechanism, or other device, or blade that opens, falls or is ejected into position by force or gravity or by an outward, downward, or centrifugal thrust or movement.

1
2 Section 2. Section 12A.14.090 of the Seattle Municipal
3 Code (Ordinance 102843 § 12A.17.160(1), as last amended by
4 Ordinance 110462 § 3), is further amended as follows:

5 **12A.14.090 Affirmative defenses.**

6 The proscriptions of Section 12A.14.080 G relating to gas
7 pens, gas pencils, gas bombs, and gas pistols, shall not apply
8 to:

- 9 A. Sales at wholesale; or
10 B. Peace officers or military personnel while in the
11 performance of their official duties; or
12 C. Sales to a governmental agency; or
13 D. The sale to mail carriers, field personnel of the King
14 County Department of Assessments, or public or private utility
15 meter readers, or the purchase, possession or carrying by any
16 such persons, of aerosol canister devices designed for the
17 purpose of repelling attacks by dogs or other animals and
18 containing and capable of emitting in spray form oleoresin of
19 capsicum or other similar substance;
20 E. The purchase, possession or carrying of an aerosol
21 tear gas personal protection device by any person eighteen (18)
22 years or older;
23 F. The sale, gift or furnishing of an aerosol tear gas
24 personal protection device to any person eighteen (18) years or
25 older. ((Any-aerosol-tear-gas-personal-protection-device-which
26 is-sold-shall-have-legibly-printed-on-the-outside-of-the-device
27 the-following-warning:--WARNING:--Device-Not-Effective-Against
28 All-Persons---Do-Not-Place-Undue-Reliance-on-this-Device--))

Section 3. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of

MARK H. SORAN
SEATTLE CITY ATTORNEY
600 FOURTH AVENUE
10TH FLOOR
SEATTLE, WA 98104
(206) 684-8200 FAX: (206) 684-8284
CS 19.2

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

NOTICE: IF THE DOCUMENT IN THIS FOLDER IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

MARK H. SIDRAN
SEATTLE CITY ATTORNEY
800 FOURTH AVENUE
10TH FLOOR
SEATTLE, WA 98104
(206) 684-8200 FAX: (206) 684-8284
CS 19.2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Passed by the City Council the 22 day of February
1994 and signed by me in open session in authentication of
its passage this 22 day of February 1994

Coy Chow
President of the City Council

Approved by me this 28th day of Feb 1994.

Norman B Rice
Mayor

Filed this 28th day of February 1994.

(SEAL)

Published _____ By Margaret Carter
Deputy Clerk

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

**SEATTLE CITY ATTORNEY
MARK H. SIDRAN**

February 8, 1994

Honorable Margaret Pageler
Chair, Public Safety Committee
Seattle City Council
1100 Municipal Building
Seattle, WA 98104

Re: Proposed ordinance relating to "aerosol tear gas personal protection devices" and oleoresin capsicum (pepper) spray

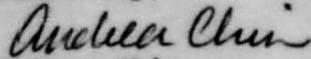
Dear Councilmember Pageler:

Enclosed for your review and requested council action is a proposed ordinance relating to "aerosol tear gas personal protection devices."

The purpose of the amendment is to clarify the definition of "aerosol tear gas personal protection device", and to include in the definition devices with the active ingredient oleoresin capsicum (commonly referred to as pepper spray). The amendment also repeals a provision requiring a printed warning on any device.

Please feel free to contact me if you have any questions.

Sincerely,



Andrea Chin
Assistant City Attorney

for Ted Inkley
Criminal Division Chief

Enclosure (proposed ordinance)

cc: Mark Sidran, City Attorney
Patrick Fitzsimons, Chief of Police

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

CRIMINAL DIVISION
710 SECOND AVENUE, SUITE 1414, SEATTLE, WASHINGTON 98104-1712
(206) 464-7757 FAX (206) 464-7900 TTY (206) 464-7905

An Equal Employment Opportunity - Affirmative Action Employer
"Printed on Recycled Paper"

TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Margaret Bayler _____

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

C. S. 20.28

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

STATE OF WASHINGTON - KING COUNTY

40607
City of Seattle, City Clerk

No. IN FULL

Affidavit of Publication

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

ORD:117058

was published on

03/08/94

The amount of the fee charged for the foregoing publication is the sum of \$, which amount has been paid in full.

[Signature]

Subscribed and sworn to before me on

03/08/94

V. J. Beck

Notary Public for the State of Washington,
residing in Seattle

Affidavit of Publication

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

City of Seattle

ORDINANCE 117628

AN ORDINANCE relating to "aerosol tear gas personal protection device"; amending the definition of "aerosol tear gas personal protection device" by clarifying the existing definition and expanding it to include devices with the active ingredient oleoresin capsicum, and repealing a provision requiring a printed warning on such devices, in connection with Sections 12A.14.010 and 12A.14.090 of the Seattle Municipal Code.

AS IT COMES BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 12A.14.010 of the Seattle Municipal Code (Ordinance 102943 § 12A.17.010, as last amended by Ordinance 117647 § 1) is further amended as follows:

12A.14.010 Definitions.

The following definitions apply in this chapter:

1. "aerosol tear gas personal protection device" means a commercially manufactured hand-held container for dispensing tear gas in aerosol form, the active ingredient of which is:

1. either chlorobenzophenone (CB) or o-chlorobenzylidene malonitrile (CB) within the range of 0.05 to 1.25 of the net contents by volume, which container has a net weight of one hundred-fifty (150) grams or less;

2. oleoresin capsicum (OC); or

3. oleoresin capsicum (OC), and either chlorobenzophenone (CB) or o-chlorobenzylidene malonitrile (CB) within the range of 0.05 to 1.25 CB or CB of the net contents by volume, which container has a net weight of one hundred-fifty (150) grams.

2. "aerosol tear gas personal protection device" does not include devices that are declared to be obsolete, discontinued, or that are intended to be stored or recalled.

3. "lawful officer" means a person who has a federal firearms license.

4. "Crime of violence" means the following felonies, as now existing or hereafter enacted:

1. Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, involuntary manslaughter if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, burglary in the second degree, and robbery in the second degree;

2. Any conviction for a felony offense in effect at any time prior to July 1, 1976, which is comparable to a felony classified as a crime of violence in subsection 1 of this section; and

3. Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under subsection 1 or 2 of this section.

5. "Swingblade knife" means any fixed-blade knife and any other knife having a blade more than three and one-half (3 1/2) inches in length.

6. "Fixed-blade knife" means any knife regardless of blade length, with a blade which is permanently open and does not fold, or retract or slide into the handle of the knife, and includes any dagger, sword, bayonet, hole knife, hatchet, axe, straight-edged razor, or razor blade not in a package, dispenser

or shaving appliance.
7. "Firearm" means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.
8. "Gas pen," "gas pencil," "gas bomb" and "gas pistol" means any pen, pencil, bomb, pistol or other device which is capable of containing and emitting, tear gas or any noxious liquid, gas or substance.
9. "Short firearm" or "pistol" means any firearm having a barrel less than twelve inches (12") in length.
10. "Swingblade knife" means any knife having a blade that opens automatically by hand pressure applied to a button, spring mechanism, or other device, or blade that opens, falls or is ejected into position by force or gravity or by an external, manual, or centrifugal thrust or movement.
Section 2. Section 12A.14.090 of the Seattle Municipal Code (Ordinance 102943 § 12A.17.100(1), as last amended by Ordinance 117647 § 2), is further amended as follows:
12A.14.090 Attentive subsection.
The provisions of Section 12A.14.090 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 Assessment, or public or private utility meter readers, or the purchase, possession or carrying by any such person, of aerosol tear gas personal protection devices 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 substances;
E. The purchase, possession or carrying of an aerosol tear gas personal protection device by any person eighteen (18) years or older;
F. The sale, gift or furnishing of an aerosol tear gas personal protection device to any person eighteen (18) 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 Intended Against All Persons - Do Not Place Under Holster or Under Garment.")
Section 3. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.
Passed by the City Council the 22nd day of February, 1984, and signed by me as per section in confirmation of its passage this 22nd day of February, 1984.
CHERYL CHOW,
President of the City Council.
Approved by me this 22nd day of February, 1984.
By JUDITH PIPPIN,
Acting Mayor.
Filed this 22nd day of February, 1984.
(Seal) By MARGARET CARTER,
Deputy Clerk.
Publication ordered by JUDITH PIPPIN, City Clerk.
Date of official publication in Daily Journal of Commerce, Seattle, March 5, 1984.
2000000

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.