ORDINANCE NO. 1487

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, ADDING A NEW CHAPTER 9.17 TO THE BONNEY LAKE MUNICIPAL CODE RELATING TO THE DISPOSAL OF FORFEITED FIREARMS.

WHEREAS, RCW 9.41.098 provides that forfeited firearms may be disposed of in any manner determined by the local legislative authority; and

WHEREAS, the Bonney Lake City Council desires to adopt a policy regarding the disposal of such firearms;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. A new Chapter 9.17 is hereby added to the Bonney Lake Municipal Code to read as follows:

Chapter 9.17
DISPOSAL OF FORFEITED FIREARMS

Sections:
9.17.010 Purpose.
9.17.020 Disposal of forfeited firearms.

9.17.010 Purpose.
The purpose of this chapter is to provide for the disposal of certain firearms that may come into the possession of the Bonney Lake police department in accordance with and pursuant to Chapter 9.41 RCW (adopted by reference).

9.17.020 Disposal of forfeited firearms.
(1) Except as provided in subsections (2) and (3) of this section, firearms that are:

(a) Judicially forfeited and no longer needed for evidence; or

(b) Forfeited due to a failure to make a claim under RCW 63.32.010, 63.40.010 (hereby adopted by reference), or BLMC 2.70.110, may be retained or disposed
of by the Bonney Lake police department, per the direction of the Mayor or City Administrator, as follows:

(i) Retained for departmental use, except that the department shall retain no more than 10% of legal forfeited firearms in accordance with RCW 9.41.098(2)(b).

(ii) Traded to licensed dealers,

(iii) Auctioned to licensed dealers, or

(iv) Destroyed.

The provisions of this subsection shall apply only to firearms that have come into the possession of the police department after June 30, 1993. Firearms that have come into the possession of the department prior to said date shall be disposed of in accordance with RCW 9.41.098.

(2) Antique firearms and firearms recognized as curios, relics, and firearms of particular historical significance by the United States Treasury Department Bureau of Alcohol, Tobacco and Firearms are exempt from destruction and shall be disposed of by auction or trade licensed dealers.

(3) All firearms that are unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or have in possession, or under control, shall be destroyed; provided, however, if such firearms may be rendered lawful by removal or alteration of components, the police department may, in its discretion, remove or alter components and thereafter dispose of such firearms in accordance with subsection (1) of this section.

(4) Any proceeds received from the trade or auction of firearms shall be budgeted and appropriated for use by the police department for law enforcement purposes, pursuant to BLMC 3.72.

(5) A firearm confiscated in compliance with subsection (1) shall not be surrendered, except:

   (a) To the prosecuting attorney for use in subsequent legal proceedings;

   (b) For disposition according to an order of a court having jurisdiction.
(c) To the owner if a court orders the firearm returned upon a showing there is no probable cause to believe he or she illegally possessed the firearm, or the firearm was stolen from the owner, or the owner neither had knowledge of nor consented to the act or omission involving the firearm which resulted in its forfeiture, pursuant to RCW 9.41.098(d)(3).

Section 2. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 3. Administration. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the legislative intent of this ordinance.

Section 4. Effective Date. This Ordinance shall take effect thirty (30) days after its passage, approval, and publication as required by law.

PASSED by the City Council and approved by the Mayor this 26th day of August, 2014.

Neil Johnson, Jr., Mayor

ATTEST:

Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

Passed: 8/26/2014
Valid: 8/26/2014
Published: 9/3/2014
Effective Date: 9/26/2014
This Ordinance totals 3 page(s)
City of Bonney Lake, Washington
City Council Agenda Bill (AB)

Department/Staff Contact: Executive / Don Morrison
Meeting/Workshop Date: 26 August 2014
Agenda Bill Number: AB14-108

Agenda Item Type: Ordinance
Ordinance/Resolution Number: D14-108
Councilmember Sponsor: Watson

Agenda Subject: Disposal of Forfeited Firearms

Full Title/Motion: An Ordinance Of The City Council Of The City Of Bonney Lake Adding A New Chapter 9.17 To The Bonney Lake Municipal Code Relating To The Disposal Of Forfeited Firearms.

Administrative Recommendation: Approve

Background Summary: RCW 9.41.098 provides that forfeited firearms may be disposed of in any manner determined by the local legislative authority (City Council). To date, the City Council has not established a formal policy for the disposal of forfeited firearms. This ordinance would establish such a policy and bring the City into compliance with this section of state code.

Attachments: Ordinance

BUDGET INFORMATION

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Budget Explanation: NA

COMMITTEE, BOARD & COMMISSION REVIEW

Council Committee Review: Public Safety
Date: 7 July 2014
Chair/Councilmember: Watson
Councilmember: Hamilton
Councilmember: Rackley

Forward to: Consent Agenda:

Commission/Board Review:
Hearing Examiner Review:

COUNCIL ACTION

Workshop Date(s): 8/19/2014
Meeting Date(s):
Public Hearing Date(s):
Tabled to Date:

APPROVALS

Director: Mayor:
Date Reviewed by City Attorney: 7/29/2014
(if applicable):

Version Oct. 2010