

**CITY OF SNOHOMISH  
Snohomish, Washington**

**ORDINANCE 2003**

**AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON  
AMENDING CHAPTER 9.41 OF THE SNOHOMISH MUNICIPAL  
CODE TO ADD SECTION 9.41.010 TO PROVIDE FOR THE  
DISPOSITION OF CONFISCATED AND FORFEITED FIREARMS  
AND THEIR PROCEEDS AS AUTHORIZED BY RCW 9.41.098.**

**THE CITY COUNCIL OF THE CITY OF SNOHOMISH, WASHINGTON,  
DO ORDAIN AS FOLLOWS:**

Section 1. Snohomish Municipal Code Chapter 9.41 is hereby amended to add a new Section 9.41.010 reading as follows:

**9.41.010 Disposition of Confiscated and Forfeited Firearms Proceeds.**

- A. All firearms taken into custody of the Snohomish Police Department prior to July 1, 1993, and legally forfeited, shall be disposed of by the Snohomish Police Department as authorized by RCW 9.41.098 (2)(b).
- B. Firearms taken into custody of the Snohomish Police Department on or after July 1, 1993, and legally forfeited, shall be disposed of as follows:
  - 1. Firearms illegal for any person to possess shall be destroyed;
  - 2. Antique firearms and firearms recognized as curios, relics, and firearms of particular historical significance by the United States Treasury Department of Alcohol, Tobacco, and Firearms shall be disposed of by auction or trade to licensed dealers and the proceeds thereof shall be used for the purchase of law enforcement equipment;
  - 3. Of the remaining firearms, at the option of the Chief of Police, the Snohomish Police Department may retain ten percent (10%) of the legally forfeited firearms for department use; and
  - 4. The balance of the firearms shall be sold or traded by the Snohomish Police Department to a legally qualified buyer or trader to acquire law enforcement equipment for the department.
- C. This ordinance and the amendment creating Snohomish Municipal Code 9.41.010 shall apply to all firearms in the possession of the Snohomish Police Department on the effective date of this ordinance.

**PASSED** by the City Council and **APPROVED** by the Mayor this 5th day of March 2002.

CITY OF SNOHOMISH

APPROVED AS TO FORM:

By \_\_\_\_\_  
Cameron M. Bailey, Mayor

By \_\_\_\_\_  
Grant K. Weed, City Attorney

ATTEST:

By \_\_\_\_\_  
Torchie Corey, City Clerk

Date of Publication: March 9<sup>th</sup>, 2002

Effective Date (5 days after publication): March 14<sup>th</sup>, 2002

# CITY OF SNOHOMISH

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## MEMORANDUM

TO: Chief Sofie

FROM: Grant K. Weed, City Attorney and  
Thom H. Graafstra, Assistant City Attorney

DATE: January 8, 2002

RE: Disposition of Confiscated Firearms

In accordance with Commander Macklin's memorandum and your note of December 28, 2001, we forward to you an Ordinance to create a new Section SMC 9.41.010 to provide for the disposition of confiscated firearms.

As to pre-July 1, 1993 custody firearms, we have simply required compliance with State law as discussed in our memorandum dated December 26, 2001. As to post-June 30, 1993 firearms, as required by State law, we provide for the destruction of illegal firearms, and provide for the sale of "historic" firearms by sale or auction to licensed dealers. We assumed that consistent with your policy direction, we should provide that the proceeds from these historic firearms be used for the purchase of law enforcement equipment.

We provide you an option to retain ten percent (10%) of the balance of the firearms for department use. The balance of the post-June 30, 1993 firearms are directed to be sold or traded with the proceeds again to be used for the purchase of law enforcement equipment. Your memo to us mentioned only "trade" for law enforcement equipment, but because we did not know how broad the "trade" market was, we provided for sale also.

You are aware that there are strong policy issues that play into the question of the disposition of legally forfeited firearms and some jurisdictions provide for the destruction of all firearms

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