

ORDINANCE NO. 348

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING CHAPTER 9.20 OF THE UNIVERSITY PLACE MUNICIPAL CODE BY PROHIBITING THE SALE OF CONSUMER FIREWORKS DURING DECEMBER OF EACH YEAR.

WHEREAS, Chapter 70.77 RCW authorizes the City to regulate the sale and discharge of fireworks within the City; and

WHEREAS, amendments to Chapter 70.77 RCW authorize the sale and discharge of consumer fireworks from December 27th through December 31st of each year but allow Cities to adopt more restrictive regulations; and

WHEREAS, Chapter 70.77.395(3) authorizes Cities to enact more restrictive regulations to be effective in December 2002; and

WHEREAS, the City Council deems it to be in the best interest of public health, safety and welfare that fireworks be regulated by prohibiting the sale or purchase of fireworks in the City from December 27th through December 31st of each year; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Amending Chapter 9.20 of the University Place Municipal Code. UPMC 9.20.010 is hereby amended to read as follows:

Sale, Possession, and Use of Fireworks.

A. It is hereby declared to be unlawful within the City for any person to sell, at retail or wholesale, or to offer for sale, at retail or wholesale, fireworks to any person under the age of sixteen (16) years of age.

B. It shall be the responsibility of any seller of fireworks to obtain and/or require proof of age of any customer at the time of purchase, which proof requirement may be satisfied by inspecting the customers valid Washington State photo Drivers License or valid Washington State photo Identification Card or the equivalent thereof issued by another state or jurisdiction.

C. It is unlawful for any person under the age of sixteen (16) years of age to possess or to discharge any fireworks within the City without direct supervision of an adult.

D. It is unlawful to sell, purchase, discharge, or use common fireworks in the City except as provided below:

1. It is unlawful to sell or purchase consumer fireworks in the City except as follows:

- (a) between 12:00 noon and 11:00 p.m. on June 28th,
- (b) between 9:00 a.m. and 11:00 p.m. on June 29th through July 3rd, and
- (c) between 9:00 a.m. to 9:00 p.m. on July 4th.

It is unlawful to sell or purchase consumer fireworks in the City on December 27th through December 31st.

~~(1) It is lawful to sell and purchase common fireworks within the City from 12:00 noon on the 28th of June until 9:00 p.m. on July 4th~~

2. It is unlawful to discharge or use consumer fireworks in the City except as follows:
- (a) between 12:00 noon and 11 p.m. on June 28th
 - (b) between 9:00 a.m. and 11:00 p.m. on June 29th through July 3rd
 - (c) between 9:00 a.m. and 12:00 midnight on July 4th, and
 - (d) between 6:00 p.m. December 31st and 1:00 a.m. on January 1st of the subsequent year.

~~(2). It is lawful to discharge and use common fireworks within the City as follows:~~

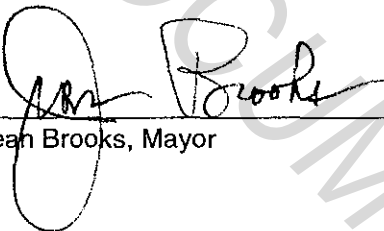
- ~~(a) on June 28 through July 3, between the hours of 9:00 a.m. and 11:00 p.m., and~~
- ~~(b) on July 4 between the hours of 9:00 a.m. and 12:00 midnight; and,~~
- ~~(c) on December 31 between the hours of 6:00 p.m. and 1:00 a.m. on January 1st of the subsequent year.~~

~~(3) 3.1 Without regard for 1 and 2 above, it is lawful to purchase and use common fireworks as provided for in RCW 70.77.311(2) provided that a permit is obtained in advance from the City's Fire Marshal.~~

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not effect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 4. Publication and Effective Date . A summary of this Ordinance consisting of its title shall be published in official newspaper of the City. This ordinance shall be effective five days after its publication.

PASSED BY THE CITY COUNCIL ON JULY 8, 2002



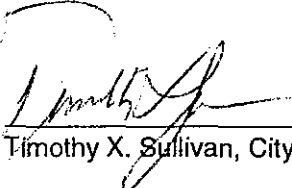
Jean Brooks, Mayor

ATTEST:



Catrina Craig, City Clerk

APPROVED AS TO FORM:



Timothy X. Sullivan, City Attorney

Published: July 10, 2002
Effective Date: July 15, 2002