

ORDINANCE NO. 282

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, CREATING NEW CHAPTER 9.45 TO THE UNIVERSITY PLACE MUNICIPAL CODE DECLARING IT ILLEGAL TO SELL OR OTHERWISE DISTRIBUTE DEACTIVATED HAND GRENADES TO MINORS AND ESTABLISHING PENALTIES FOR VIOLATIONS

WHEREAS, the City of University Place Council finds that it is illegal under existing state law for any person to possess or control a grenade for unlawful purposes or to maliciously place a grenade in an improper location; and

WHEREAS, the City Council also finds that it is illegal under current state law to maliciously place even an imitation explosive device, such as a fake grenade or a "deactivated" grenade that was once real but has been subsequently deactivated, anywhere that it gives the appearance or impression that the imitation device is an explosive or improvised device; and

WHEREAS, the City Council recognizes that temporarily deactivated grenades have been sold to minors in Pierce County in the past and re-filled with explosive materials, and that such devices pose a threat to the citizens of University Place; and

WHEREAS, the City Council further finds that no existing state or federal laws address the sale of deactivated grenades (grenades initially designed for use as an explosive device for which the explosive material has subsequently been either temporarily or permanently removed) to minors; and

WHEREAS, the Washington State Legislature has authorized cities and counties to enact ordinances applicable to explosives, RCW 70.74.201; and

WHEREAS, the City Council concludes that a prohibition making it illegal to sell or otherwise distribute deactivated grenades to minors is necessary for the public health, safety and welfare of the citizens of University Place; NOW THEREFORE,

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

Section 1. Create New Chapter 9.45 to the University Place Municipal Code Declaring it Illegal to Sell or Otherwise Distribute Deactivated Hand Grenades to Minors and Establishing Penalties. Chapter 9.45 is hereby added to the University Place Municipal Code and shall read as follows:

**Chapter 9.45
SALE OR OTHER FORM OF DISTRIBUTION OF
DEACTIVATED GRENADES TO PERSONS UNDER
EIGHTEEN YEARS OF AGE IS PROHIBITED**

Sections:

9.45.010 Prohibition of Sale or Distribution of Deactivated Grenades
9.45.020 Penalties

9.45.010 Prohibition of Sale or Distribution of Deactivated Grenades.
It is unlawful for any person to sell, offer for sale, barter, give, lend or otherwise distribute any deactivated grenade to any person less than eighteen years old. For purposes of this

section, a "deactivated grenade" is a metal or plastic grenade, originally designed as an explosive device, for which the explosive material has been removed, regardless of whether the chamber cavity has been permanently re-filled with an inert, non-explosive material and/or regardless of whether the grenade has otherwise been permanently altered in a manner that prevents it from being used as a grenade.

9.45.020

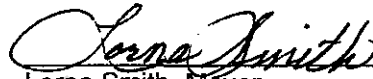
Penalties.

Any person(s) violating Section 9.45.010 of the UPMC shall be guilty of a misdemeanor, and upon conviction shall be subject to imprisonment for a period not to exceed ninety (90) days or a fine of not more than \$1,000, or both.

Section 2. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances by a court of competent jurisdiction shall not be affected.

Section 3. Publication and Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall be effective five (5) days after its publication.

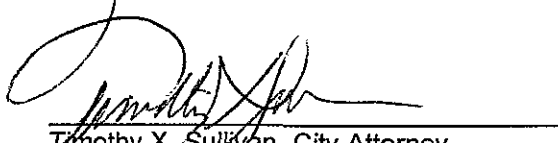
PASSED BY THE CITY COUNCIL ON JULY 10, 2000.


Lorna Smith, Mayor

ATTEST:


Susan Matthew, City Clerk

APPROVED AS TO FORM:


Timothy X. Sullivan, City Attorney

Published: July 19, 2000
Effective Date: July 25, 2000