

**ORDINANCE NO. 184**

**AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING SECTIONS 1 AND 2 OF ORDINANCE NO. 103 TO SPECIFY THE DATES IT IS LAWFUL TO SELL, PURCHASE, DISCHARGE, OR USE COMMON FIREWORKS IN THE CITY AND BY DELETING A REQUIREMENT OF A PRIOR WARNING BEFORE A CITATION CAN BE ISSUED.**

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

WHEREAS, Chapter 70.77 RCW authorizes the sale and discharge of fireworks from June 28<sup>th</sup> to July 6 of each year but allows Cities to adopt more restrictive regulations; 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 and discharge of fireworks in the City on July 5 and 6 of each year; NOW, THEREFORE,

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

Section 1. Amending Section 1 of Ordinance No. 103. Section 1 of Ordinance No. 103 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 lawful to sell and purchase common fireworks within the city from 12:00 noon on the 28<sup>th</sup> of June until 9:00 p.m. on July 4<sup>th</sup>.

(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 1<sup>st</sup> of the subsequent year.

(3) 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 2. Amending Section 2 of Ordinance No. 103. Section 2 of Ordinance No. 103 is hereby amended to read as follows:

Violations - Penalty

A. Any person violating any provision of this Ordinance is guilty of a misdemeanor, and upon conviction shall be punished by a fine in an amount not exceeding one thousand dollars (\$1,000), or by imprisonment in jail for a term not exceeding ninety (90) days, or by both.

B. Any fireworks which are illegally sold, offered for sale, used, discharged, possessed or transported in violation of the provisions of this Ordinance or Chapter 70.77 of the Revised Code of Washington shall be subject to seizure by a police officer or by the City's Fire Marshal or his designee.

~~C. For 1996, no person violating any provision of this ordinance shall be prosecuted in the city until they have receive three warnings.~~

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 JANUARY 20, 1998.

Debbie Klosowski  
Debbie Klosowski, Mayor

**ATTEST:**

Susan Matthew  
Susan Matthew, City Clerk

**APPROVED AS TO FORM:**

Timothy X. Sullivan  
Timothy X. Sullivan, City Attorney

Published: 1/30/98  
Effective Date: 2/4/98