

ORDINANCE NO. 103

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, PROHIBITING THE SALE OF FIREWORKS TO ANY PERSON UNDER THE AGE OF SIXTEEN (16) YEARS AND PROHIBITING THE POSSESSION OR DISCHARGE OF FIREWORKS TO ANY PERSON UNDER THE AGE OF SIXTEEN (16) YEARS WITHOUT DIRECT SUPERVISION OF AN ADULT.

WHEREAS, Chapter 70.77 RCW authorizes the City to regulate the sale and discharge of fireworks within the City; 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 possession of fireworks to any person under the age of sixteen years; NOW, THEREFORE,

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

Section 1. Sale, Possession, and Use of Fireworks. 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. 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 customer's valid Washington State photo Driver's License or valid Washington State photo Identification Card or the equivalent thereof issued by another state or jurisdiction. 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.

Section 2. Violation - 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 JUNE 17, 1996.



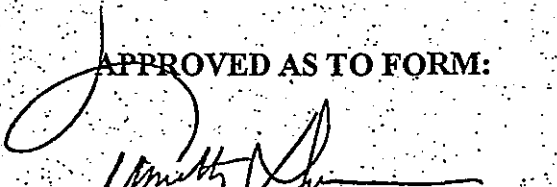
Ronald L. Williams, Mayor

ATTEST:



Susan Matthew, City Clerk

APPROVED AS TO FORM:



Timothy K. Sullivan, City Attorney

Published: June 19, 1996
Effective Date: June 24, 1996