

ORDINANCE NO. 759

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE,
WASHINGTON, AMENDING CHAPTER 9.20 UPMC, RELATIVE TO THE SALE,
POSSESSION AND DISCHARGE OF FIREWORKS**

WHEREAS, in 2018, the City Council, after having adopted revised provisions now codified within chapter 9.20A of the University Place Municipal Code, implemented a substantial change of its local fireworks measures; and

WHEREAS, as provided by the provisions of Section 9.20A.080 of the University Place Municipal Code, the City Council has received a report relating to the effectiveness of its fireworks code and has deemed it advisable to make further amendments to the Code;

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

Section 1. Section 9.20A.020 of the University Place Municipal Code entitled "Prohibited Acts," is amended to read as follows:

- A. Except as permitted in this chapter, the sale, possession with the intent to sell or discharge, or discharge of fireworks of any kind within the City is prohibited.
- B. It shall be unlawful for an owner of property, or a person renting, leasing, or who has control over the use of property, to knowingly permit the property that he or she owns, rents, leases or has control over, or any portion of any City roadway adjacent to such property, to be utilized for the discharge of fireworks when the discharge of fireworks is not properly permitted pursuant to this chapter.
- C. It shall be unlawful for any person to deposit fireworks or parts of fireworks, whether discharged or not, in or upon any street, sidewalk or other public place, except when discharged fireworks or parts of discharged fireworks are deposited in private or public litter receptacles, and it shall be unlawful for an owner of property, or a person renting, leasing, or who has control over the use of property, to fail to remove fireworks or parts of fireworks, whether discharged or not, that are not contained in a litter receptacle from private property that is open to the public or open to public view within 72 hours of the deposit of such fireworks or parts of fireworks on the private property.
- D. It shall be unlawful for any parent or guardian having custody or control of any minor under the age of sixteen to permit or knowingly allow such minor to sell, deliver, distribute, possess or discharge fireworks of any kind without direct adult supervision within the City.

Section 2. A new Section 9.20A.035 of the University Place Municipal Code entitled "Temporary Restrictions," is amended to read as follows:

The City Manager is authorized to issue a temporary order prohibiting the discharge of fireworks upon the occurrence of any of the following conditions:

- A. Either the Pierce County Fire Marshall or an abutting municipality has entered a comparable order prohibiting the discharge of fireworks within their respective jurisdictions.
- B. A prohibition against outdoor burning of any kind has been imposed by the Puget Sound Clean Air Agency, by the appropriate official of the fire protection district serving University Place, or by an official or agency of the State of Washington with the authority to prohibit or limit outdoor burning; or

C. During a period of "extreme fire danger." For the purposes of this Chapter, "extreme fire danger" shall mean a period of adverse weather conditions, such as hot dry weather, where fires can be expected, and fire growth accelerated. period of hot, dry weather, accompanied by low fuel moistures. It is during this period that wildland fires can be expected, and fire growth would be accelerated. For consideration of imposing an order, the following threshold(s) should be reached: (1) The fuel moisture content of the ten (10) hour fuels is below eight (8) anywhere in the city.

Section 3. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 4. Severability. If any one or more sections, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

Section 5. Effective Date. This ordinance shall take effect and be in force one year from and after its **passage** as provided by RCW 70.77.250.

PASSED BY THE CITY COUNCIL ON JUNE 21, 2022.

Steve Worthington, Mayor

ATTEST:

Emelita J. Genetia, City Clerk

APPROVED AS TO FORM:

Matthew S. Kaser, City Attorney

Publication Date: 06/23/22
Effective Date: 06/21/23