ORDINANCE NO. 714

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING ORDINANCE 702; RELATING TO FIREWORKS

WHEREAS, on May 21, 2018, the City of University Place passed Ordinance 702 relating to fireworks; and

WHEREAS, Ordinance 702 repeals and replaces the City's fireworks code in response to Advisory Proposition No. 1 on the November 2017 General Election Ballot and does not become effective until May 21, 2019; and

WHEREAS, the City's soon-to-be-repealed municipal code addresses the hours of sale, discharge or use of fireworks but Ordinance 702 is silent on the issue. Absent action prior to the effective date of Ordinance 702, the allowable hours of discharge will default to the State-authorized hours identified in RCW 70.77.395; and

WHEREAS, it is now appropriate to ensure that the hours of discharge remain the same as they did before the passage of Ordinance 702.

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

Section 1. That portion of Section 1 of Ordinance 702 repealing Section 9.20.010 of the University Place Municipal Code, is repealed.

Section 2. Section 9.20.010 of the University Place Municipal Code is recodified as Section 9A.20.035, retitled "Hours of Use," and amended to read as follows:

9.20.010 Sale, possession, and use of fireworks9A.20.035 Hours of Use.

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 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 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.

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

DA. The sale, purchase, discharge or use of fireworks allowed by Section 9A.20.030 (9) and (10) is governed by the times 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 such 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. and 9:00 p.m. on July 4th.

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

- 2. It is unlawful to discharge or use consumer such fireworks in the City except as follows:
 - a. Between 9:00 a.m. and 12:00 midnight on July 4th; and
 - b. Between 6:00 p.m. December 31st and 1:00 a.m. on January 1st of the subsequent year.

- 3. Without regard for subsections (D)(1) and (2) of this section, 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 Code Official.
 - Section 3. This Ordinance shall take effect concurrently with Ordinance 702.
- Section 4. If Section 3 of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance and the same shall take full force and effect as provided by RCW 70.77.250.
- Section 5. 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.

PASSED BY THE CITY COUNCIL ON MARCH 4, 2019.

Kent Keel, Mayor

ATTEST:

melita J) Genetia, City Clerk

APPROVED AS TO FORM:

Matthew S. Kaser, City Attorney

Date of Publication: 03/06/19 Effective Date: 05/21/19