

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 10 - 18

AN ORDINANCE OF THE CITY OF BUCKLEY, WASHINGTON,
AMENDING BUCKLEY MUNICIPAL CODE SECTION 10.44.110(3)
CONCERNING SALE AND DISCHARGE OF FIREWORKS AND
ADDING A NEW SECTION BMC 10.44.155 ENTITLED
EMERGENCIES - RESTRICTIONS ON USE; PROVIDING FOR
SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in 2011 the City of Buckley City Council adopted Ordinance No. 07-11 that repealed and replaced the entire Chapter BMC 10.44 regulating "Fireworks in the City"; and

WHEREAS, replaced code language in Ordinance No. 07-11 limited the periods for discharge of fireworks to the time period of 9:00 a.m. to 12:00 a.m. on the dates from July 2nd through July 6th; and

WHEREAS, this 87 hour period of allowed use results in numerous police dispatch calls, animal complaints and fire calls for service; and

WHEREAS, the City Council, while desiring to continue to honor this form of celebration of this Country's Independence, believes that a reduced window of allowed use will better protect the health, safety, and welfare of the citizens of the City of Buckley;

WHEREAS, the current provisions of BMC 10.44 relating to fireworks does not allow the City to prohibit the sale and/or discharge of fireworks during periods of extreme fire danger; and

WHEREAS, the City Council desires to update the provisions of BMC 10.44 in order to provide the Fire Chief/Fire Marshal with the authority to prohibit the sale and/or discharge of fireworks during periods of extreme fire danger; and

WHEREAS, the amendments to the code as presented will protect the health, safety, and welfare of the citizens of the City of Buckley;

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

Section 1. Section 10.44.110 of the Buckley Municipal Code is amended to read as follows:

10.44.110 Sale and discharge of fireworks.

(1) Except as permitted by this chapter and state law, it is unlawful to possess, discharge or sell at wholesale or retail any fireworks other than common fireworks.

(2) No common fireworks shall be sold or offered for sale at retail within the city except from 12:00 noon on the twenty-eighth day of June to 9:00 p.m. on the fourth day of July of each year and from 12:00 noon to 9:00 p.m. on each day from the twenty-seventh of December through the thirty-first of December of each year. No common fireworks may be sold between the hours of 11:00 p.m. and 9:00 a.m.

(3) It is unlawful for a person to ignite, discharge, use or explode any common fireworks except between the hours of 9:00 a.m. on July 4th through 12:30 a.m. on July 5th; and except between the hours from 9:00 a.m. on December 31st through 12:30 a.m. on January 1st.

(4) It is unlawful for any person to discharge fireworks on the property of another without permission of the owner of such property. It is unlawful for any person to discharge fireworks in a public park unless a written permit has been obtained. It is unlawful for any person to discharge fireworks on city property that is not a park without the express written permission of the city council.

(5) No person shall sell any common fireworks to a consumer or user thereof under the age of 16 years.

(6) No person under the age of 16 years shall possess or discharge any fireworks unless directly supervised by an adult who is responsible for the person under the age of 16 years.

(7) The transfer of fireworks ownership, whether by sale at wholesale or retail, by gift or by other means of conveyance of title, or the delivery of any fireworks to any person who does not possess a valid permit at the time of such transfer where a permit is required by this chapter, is prohibited.

(8) The sale, transportation, possession, or discharge of fireworks not marked with the manufacturer's license number and State Fire Marshal's classification, as required by Chapter 70.77 RCW, is prohibited.

(9) This section shall take precedence over and shall preempt any conflicting provision of the Revised Code of Washington or the Washington Administrative Code.

Section 2. A New Section 10.44.155 of the Buckley Municipal Code is hereby added to read as follows:

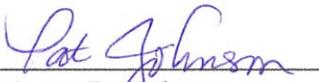
10.44.155 Prohibitions Due to Extreme Fire Danger.

During periods of extreme fire danger, the Fire Chief and/or Fire Marshal may prohibit the sale and/or discharge of all fireworks. For the purpose of this section, "extreme fire danger" means a period of hot, dry weather accompanied by low fuel moistures

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the city, and shall take effect and be in full force one year after publication.

Introduced, passed, and approved this 12th day of June, 2018


Mayor Pat Johnson

Attest:


Joanne Starr, City Clerk

APPROVED AS TO FORM:


Phil Olbrechts, City Attorney

PUBLISHED: June 20, 2018
EFFECTIVE: June 25, 2018