

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 11-18

AN ORDINANCE OF THE CITY OF BUCKLEY, WASHINGTON,
AMENDING BUCKLEY MUNICIPAL CODE SECTION 10.44.110(3)
CONCERNING SALE AND DISCHARGE OF FIREWORKS;
PROVIDING FOR SEVERABILITY AND ESTABLISHING AN
EFFECTIVE DATE.

WHEREAS, on June 12, 2018 the City Council adopted Ordinance No. 10-18 amending provisions of BMC 10.44 related to the sale and discharge of fireworks and adopting a new code section allowing for the prohibition during periods of extreme fire danger; and

WHEREAS, after adoption the City Attorney discovered that language in the revised code that permitted the discharge of fireworks on July 4th from 9:00 a.m. to 12:30 a.m. was contrary to State Law (RCW 70.77.395); and

WHEREAS, based on the City Attorney's recommendation the City desires to amend BMC 10.44.110(3) to bring it into conformance with State Law; and

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

Section 1. Section 10.44.110(3) 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. and 12:00 a.m. (midnight) on July 4th; 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. 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.

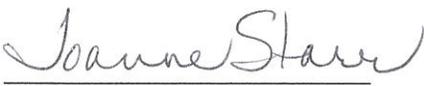
Section 3. Effective date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force on June 26, 2019.

Introduced, passed, and approved this 10th day of July, 2018



Mayor Pat Johnson

Attest:



Joanne Starr, City Clerk

APPROVED AS TO FORM:



Phil Olbrechts, City Attorney

PUBLISHED: July 18, 2018
EFFECTIVE: June 26, 2019