

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 23-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON, AMENDING SECTION 10.44.090 AND SECTION 10.44.110 OF THE BUCKLEY MUNICIPAL CODE RELATING TO THE SALE AND DISCHARGE OF FIREWORKS.

WHEREAS, the City updated their current Fireworks Code in 2011 through adoption of Ordinance 07-11; and

WHEREAS, the Fireworks code section BMC 10.44.110(2) allows the retail sale of fireworks 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

WHEREAS, the Fireworks code section BMC 10.44.110(3) allows the discharge of any common fireworks between the hours of 9:00 a.m. and 12:00 a.m. on the dates from July 2nd through July 6th; and between the hours from 9:00 a.m. on December 31st through 12:30 a.m. on January 1st; and

WHEREAS, the City received a request on September 30, 2015 from a local business owner asking that the City make amendments to the code to allow retail sale of fireworks to correspond to the permitted use periods; and

WHEREAS, the City Public Safety, Admin and Finance (PAF) Committee reviewed this request on October 20, 2015 and recommended that an amendment to the code be made to allow the change and be forwarded to the City Council for consideration; and

WHEREAS, the City Council concurs with the PAF Committee and desires to amend BMC 10.44.110(2) to expand the period when retail sales of fireworks are allowed to include the period 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;

NOW THEREFORE THE CITY OF BUCKLEY, PIERCE COUNTY, DOES ORDAIN AS FOLLOWS:

Section 1. Section 10.44.090 of the Buckley Municipal Code entitled “Permit required for sales – Application” is hereby amended to read as follows:

10.44.090 Permit required for sales – Application.

An application for a permit to sell fireworks shall be made in writing to the fire chief or his or her designee no later than June 1st of the year for which permit is sought for the July 4th sales period and no later than December 1st of the year for which permit is sought for the New Year’s sales period, on forms provided for that purpose. Permit fees, inspection, and plan review charges shall be charged as required by resolution of the city council. The fire chief or his or her designee shall deny or grant any such application in writing. The fire chief or his or her designee may place reasonable conditions on any permit issued. The person applying for a permit may appeal in writing the denial of the permit or the conditions of the permit to the city council. The appeal shall be based solely upon written information provided by the applicant and information obtained or held by the city council, and no hearing shall be required. The determination of the city council of the appeal shall be final.

Section 2. Section 10.44.110(2) of the Buckley Municipal Code entitled “Sale and discharge of fireworks” is hereby 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. on the dates from July 2nd through July 6th; 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 3. 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 five (5) days after publication.

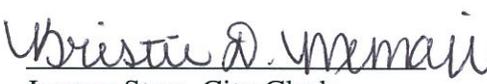
Section 4. If any provision of this ordinance is held invalid, such invalidity shall not affect any other provision, or the applications thereof, which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are to be declared severable.

Introduced, passed, and approved this 27th day of October, 2015



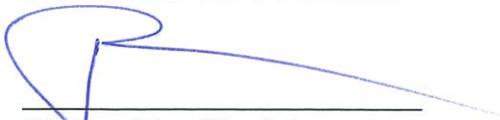
Mayor Pat Johnson

Attest:

For: 

Joanne Starr, City Clerk
Deputy City Clerk

APPROVED AS TO FORM:



Office of the City Attorney

Published: November 25, 2015

Effective: November 30, 2015