



CITY OF BLACK DIAMOND
September 9, 2021 Regular Work Session

**THIS IS OFFERED AS A ZOOM MEETING ONLY.
CALL IN AND JOINING INFORMATION FOLLOWS:**

Zoom link to join meeting:

<https://zoom.us/j/4454477047?pwd=eGxRY3ZEeU14SVM2cGRBcUxCSjdmZz09>

(Note: You do not need a web cam to join the meeting, but you will need audio to hear the proceedings.)

Meeting ID: 445 447 7047

Password: Council

Telephone dial in options:

+1 253 215 8782 US (Tacoma)

+1 206 337 9723 US (Seattle)

Meeting ID: 445 447 7047

Password: 426953 (phone in only)

Work Sessions are meetings for Council to review upcoming and pertinent business of the City. Public testimony is only accepted at the discretion of the Council.

6:00 P.M. – CALL TO ORDER, FLAG SALUTE, ROLL CALL

- 1) Discussion on Discharge of Fireworks within the City Limits

ADJOURNMENT

70.77.241 << 70.77.250 >> 70.77.252

RCW 70.77.250

Chief of the Washington state patrol to enforce and administer—Powers and duties.

(1) The chief of the Washington state patrol, through the director of fire protection, shall enforce and administer this chapter.

(2) The chief of the Washington state patrol, through the director of fire protection, shall appoint such deputies and employees as may be necessary and required to carry out the provisions of this chapter.

(3) The chief of the Washington state patrol, through the director of fire protection, shall adopt those rules relating to fireworks as are necessary for the implementation of this chapter.

(4) The chief of the Washington state patrol, through the director of fire protection, shall adopt those rules as are necessary to ensure statewide minimum standards for the enforcement of this chapter. Counties and cities shall comply with these state rules. Any ordinances adopted by a county or city that are more restrictive than state law shall have an effective date no sooner than one year after their adoption.

(5) The chief of the Washington state patrol, through the director of fire protection, may exercise the necessary police powers to enforce the criminal provisions of this chapter. This grant of police powers does not prevent any other state agency and city, county, or local government agency having general law enforcement powers from enforcing this chapter within the jurisdiction of the agency and city, county, or local government.

(6) The chief of the Washington state patrol, through the director of fire protection, shall adopt rules necessary to enforce the civil penalty provisions for the violations of this chapter. A civil penalty under this subsection may not exceed one thousand dollars per day for each violation and is subject to the procedural requirements under RCW **70.77.252**.

(7) The chief of the Washington state patrol, through the director of fire protection, may investigate or cause to be investigated all fires resulting, or suspected of resulting, from the use of fireworks.

[2002 c 370 § 19; 1997 c 182 § 5. Prior: 1995 c 369 § 45; 1995 c 61 § 12; 1986 c 266 § 100; 1984 c 249 § 7; 1982 c 230 § 12; 1961 c 228 § 27.]

CITY OF COVINGTON WASHINGTON

ORDINANCE NO. 21-2019

AN ORDINANCE OF THE CITY OF COVINGTON, WASHINGTON, REPEALING CHAPTER 15.15 ENTITLED "FIREWORKS"; AMENDING THE COVINGTON MUNICIPAL CODE TO ADD A NEW CHAPTER 15.15 ENTITLED "FIREWORKS"; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the State of Washington regulates the sale, discharge, and display of fireworks by means of Chapter 70.77 RCW; and

WHEREAS, City of Covington City Council passed Resolution No. 2019-09 on July 23, 2019, requesting a Special Election on the November 5, 2019 General Election for an Advisory Proposition asking Covington voters to recommend whether the sale, possession, and discharge of consumer fireworks should be prohibited in the City of Covington; and

WHEREAS, the election results of the Advisory Proposition No. 1 was "Yes," (2,691 votes, 53.44%) and "No" (2345 votes, 46.56%); and

WHEREAS, in light of voter recommendation and after review and discussion, the City Council has determined it appropriate to repeal and replace Covington Municipal Code Chapter 15.15 Fireworks in order to prohibit the sale, possession, and discharge of consumer fireworks, with exceptions for public display of fireworks with an approved permit and exemptions authorized by Chapter 70.77 RCW; and

WHEREAS, in accordance with RCW 70.77.250, this ordinance will become effective one year from the date of its adoption;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINGTON, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Repeal Chapter 15.15. Chapter 15.15 of the Covington Municipal Code entitled "Fireworks" is repealed in its entirety.

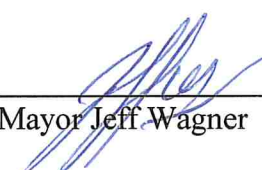
Section 2. Enact New Chapter 15.15. The Covington Municipal Code is amended to add a new Chapter 15.15 entitled "Fireworks," as provided in the attached Exhibit A.

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. Savings. The existing Chapter 15.15 of the Covington Municipal Code, which is repealed and replaced by this Ordinance, shall remain in full force and effect until the effective date of this Ordinance.

Section 5. Effective Date. In accordance with RCW 70.77.250(4), this ordinance shall take effect one year after adoption of this ordinance.

Passed by the City Council on the 10th day of December 2019.



Mayor Jeff Wagner

Date of Publication: December 20, 2019

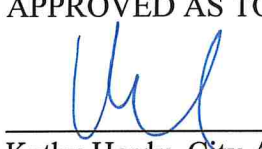
Effective Date: December 10, 2020

ATTESTED:



Sharon Scott, City Clerk

APPROVED AS TO FORM:



Kathy Hardy, City Attorney

**15.15
FIREWORKS**

**ORDINANCE NO. 21-2019
EXHIBIT A**

Sections:

15.15.010 Definitions.

15.15.020 Local Fire Official designated.

15.15.030 State provisions adopted.

15.15.040 Sale and discharge of fireworks prohibited; exceptions.

15.15.050 Permit required for public display of fireworks.

15.15.060 Issuance – Nontransferable – Voiding.

15.15.070 Public display permit fee.

15.15.080 Standards for public fireworks display.

15.15.090 Special effects for entertainment media.

15.15.100 Nonprohibited acts – Signal purposes, forest production.

15.15.110 Fire Official may grant or deny permit conditions.

15.15.120 Applicability.

15.15.130 Chapter in connection with state law.

15.15.140 Enforcement.

15.15.150 Seizure of fireworks.

15.15.160 Penalty for violations.

15.15.170 Revocation or suspension of permit.

15.15.010 Definitions.

The definitions of Chapter 70.77 RCW as now stated or hereinafter amended shall govern the construction of this chapter, when applicable, and are hereby adopted by this reference. A copy of the same shall be kept on file in the office of the City Clerk for public use and inspection.

15.15.020 Local Fire Official designated.

The Local Fire Official as defined in RCW 70.77.177 for the City of Covington is the Fire Marshal appointed under CMC 15.05.050 or such person as the Fire Marshal may designate to fulfill the duties of a Local Fire Official set forth in Chapter 70.77 RCW.

15.15.030 State provisions adopted.

Except as otherwise provided in this chapter 15.15 CMC, Chapter 70.77 RCW as now stated or hereafter amended is adopted by reference, except as amended in this chapter, and a copy of the same shall be kept in the office of the City Clerk for public use and inspection.

15.15.040 Sale and discharge of fireworks.

It is unlawful for any person to sell, possess, use, transfer, discharge, ignite or explode any fireworks within the City; provided, that this prohibition shall not apply to the following activities, when authorized by a State license and City permit:

- A. Duly authorized public display of fireworks, as provided in RCW 70.77.290; and
- B. Duly authorized use by religious organizations or private organizations or persons, as provided in RCW 70.77.311(2), if:
 - 1. Purchased from a licensed manufacturer, importer, or wholesaler;
 - 2. For use on prescribed dates and locations; and
 - 3. For religious purposes.

15.15.050 Permit required for public display of fireworks.

- A. It is unlawful for any person to hold, conduct or engage in any public display of fireworks within the City without having obtained and being a holder of a valid permit under the provisions of this chapter.
- B. The applicant shall show proof of the issuance of a bond or insurance coverage in the amounts set forth in RCW 70.77.295 or proof that such bond or insurance coverage has been provided under a state general license for public display.
- C. Applications for a public display of fireworks shall be made in writing at least 45 days in advance of the proposed display and shall have authorization from the State Fire Marshal.

15.15.060 Issuance – Nontransferable – Voiding.

Each public display of fireworks permit issued pursuant to this chapter shall be valid for the specific authorized public display event only. Such permits shall be used only by the designated permittee and shall not be transferable. Any transfer or unauthorized use of a permit is a violation of this chapter and shall void the permit granted and shall subject the permit holder and permit transferee or user to all other sanctions provided in this code.

15.15.070 Permit fee.

The per-event fee for a public display of fireworks permit shall be \$100.00 and shall be payable to the City of Covington for administrative and inspection costs; provided, there shall be no fee charged to a religious or private organization pursuant to RCW 70.77.311.

15.15.080 Standards for public display of fireworks.

All public display of fireworks shall conform to the following minimum standards and conditions:

- A. All public displays of fireworks must be planned, organized and discharged by a licensed pyrotechnician.
- B. A permit must be obtained from the Fire Marshal prior to any public display of fireworks. The permit shall include the name of the applicant and his/her address; the name of the pyrotechnician and his/her address; the exact location, date and time of the proposed display; the number, type and class of fireworks to be displayed; the manner in which the fireworks are being stored prior to the public display of fireworks; and shall include the name and address of the insurance company providing the bond required.
- C. A drawing shall be submitted to the Fire Marshal showing a plan view of the fireworks discharge site and the surrounding area within a 500-foot radius. The drawing shall include all structures, fences, barricades, streets, fields, streams and any other significant factors that may be subjected to ignition or that may inhibit firefighting capabilities.
- D. The Fire Marshal may require that a fire engine and two trained firefighters be on-site from fireworks set-up and through at least 30 minutes after the discharge of the fireworks for a minimum of four hours, billable to the entity holding the fireworks display.
- E. All combustible debris and trash shall be removed from the area of discharge for a distance of 300 feet in all directions.
- F. All unfired or undischarged fireworks shall be disposed of in a safe manner.
- G. A minimum of two 2A rated pressurized water fire extinguishers shall be at the fireworks discharge site.
- H. The permit may be immediately revoked at any time deemed necessary by the Fire Marshal due to any noncompliance, or weather conditions such as extremely low humidity or wind factor. The display may be cancelled by accidental ignition of any form of combustible or flammable material in the vicinity due to falling debris from the display.
- I. Areas of public access shall be determined by the Fire Marshal and maintained in an approved manner.
- J. Public displays of fireworks undertaken by religious organizations or private organizations or persons pursuant to RCW 70.77.311 shall be limited to class C common fireworks and special fireworks as defined in RCW 70.77.131 and 70.77.136.
- K. A permit for a public display of fireworks must be applied for at least 45 days before the planned day of the public display. A public notice of any public display of fireworks must be published by the permit holder at least once 30 days or more prior to the intended display in a newspaper of general circulation in the City.
- L. The permit holder will pay the full-cost reimbursement for all time that the Fire Marshal spends on overseeing all aspects of the fireworks permitting, preparation and display.

15.15.090 Special effects for entertainment media.

This chapter does not prohibit the assembling, compounding, use and display of special effects of whatever nature by a pyrotechnic operator licensed by the State of Washington engaged in the production of motion pictures, radio or television productions, theatricals or operas when such use and display is a necessary part of the production and such pyrotechnic operator possesses a valid public display of fireworks permit issued by the City.

15.15.100 Nonprohibited acts – Signal purposes, forest production.

This chapter does not prohibit the use of flares or fuses in connection with the operation of motor vehicles, railroads or other transportation agencies for emergency, illumination or signal purposes, or for forest protection activities.

15.15.110 Fire Marshal may grant or deny permit conditions.

The Fire Marshal shall have the power to grant or deny any application for a permit or to subject the same to such reasonable conditions.

15.15.120 Enforcement.

The Police Chief, Fire Marshal, or their designee is authorized to enforce all provisions of this chapter.

15.15.130 Seizure of fireworks.

Any fireworks that are illegally sold, offered for sale, used, discharged, possessed, or transported in violation of the provisions of this chapter and Chapter 70.77 RCW shall be subject to seizure by the Police Department. The provisions for seizure of fireworks, petition for return, hearing decision, and judicial action for recovery shall be set forth in RCW 70.77.435 and 70.77.440; provided, that the Police Chief shall have the powers and obligations set forth in said statutes.

15.15.140 Penalty for violations.

Any person violating or failing to comply with the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided therefor.

15.15.150 Revocation or suspension of permit.

A. The Fire Marshal may at any time suspend or revoke any permit issued under the provisions of this chapter, if the permittee or permittee's agents or employees have:

1. Violated any of the provisions of this chapter.
2. Made any false statement or misrepresentation of fact in connection with obtaining the permit.
3. Failed to obtain or had suspended or revoked any license required by the State under Chapter 70.77 RCW.
4. Had any insurance coverage required by this chapter cancelled, revoked, or lapsed.

B. Effective Date of Revocation. When the Fire Marshal determines that there is cause for revoking or suspending any permit issued pursuant to this chapter, the Fire Marshal shall notify the person holding such permit. The notice shall specify the grounds for the suspension or revocation of the permit. The suspension or revocation shall become effective immediately upon receipt of the notice by the permittee.

15.15.160 Appeals.

A. Permit denial. Any person denied a permit under the provisions of this chapter may appeal to the Hearing Examiner pursuant to the procedures outlined in Chapter 14.45 CMC.

B. Suspension or revocation. The decision of the Fire Marshal with respect to the suspension or revocation of any permit issued under this chapter shall be final. Any permittee whose permit has been suspended or revoked may appeal the decision of the Fire Marshal to the King County Superior Court by filing such appeal within 10 days of the date of the final decision of the Fire Marshal. This shall be the exclusive remedy of any permittee under this chapter.

ORDINANCE NO. 1584

AN ORDINANCE OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON, AMENDING PROVISIONS OF CHAPTER 9.28 OF THE ENUMCLAW MUNICIPAL CODE RELATING TO THE REGULATIONS OF FIREWORKS.

WHEREAS, the City Council has determined that the following revisions to Chapter 9.28 of the Enumclaw City Code are necessary in order to protect the public health, safety and welfare with respect to sale, use and discharge of fireworks within the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1: Section 9.28. of the Enumclaw Municipal Code is hereby amended as follows:

Application for Permit.

- A. Any person desiring to do any act set forth in Section 9.28. shall first make written application for a permit to the Fire Chief. The application for a permit shall be signed by the applicant. If the application is made by a corporation, it shall be signed by an officer of the corporation and bear the seal of the corporation.

The application shall be in such form as the Fire Chief shall require and shall include, at a minimum, the following information:

1. The true name, address and telephone number of the applicant and for any retail operation the person in charge and responsible;
 2. A statement by the applicant that he or she is over the age of eighteen years of age;
 3. A valid and current license issued by the Washington State Fire Marshal pursuant to RCW 70.77 authorizing the applicant thereto engage in the requested activity.
 4. The proposed location at which the applicant intends to perform the act for which the permit is sought, and for retail sales, a diagram showing the proposed site plan of the stands and vehicular traffic routes.
- B. All applications for permits pursuant to this chapter shall be accompanied by a nonrefundable permit fee of one hundred dollars. The City Council finds that this charge is necessary to cover the legitimate administrative costs for permit processing and inspection. The applicant shall post a one hundred dollar cash bond, conditioned upon the prompt removal of the temporary stand and the clearing up of all debris from the site by the sixth of July of each year. Failure to do so shall cause the bond to be forfeited to the City.
- C. All applications for permits pursuant to this chapter shall be accompanied by a certificate of insurance coverage evidencing the carrying of a comprehensive general liability insurance policy with a minimum coverage of five hundred thousand dollars and two million dollars for bodily injury liability for each person and event,

respectively, and not less than five hundred thousand dollars for property damage liability for each event. Such general liability policy shall name the City as an additional named insured, must be in full force and effect for the duration of the permit plus one year, and shall be prepaid for the entire period of required coverage. Said policy and certificate shall be in a form approved by the City Attorney.

- D. Applications for public display of fireworks shall be made in writing at least ten days in advance of proposed display. All applications shall be accompanied by a nonrefundable permit fee of one hundred dollars. The applicant shall post a one hundred dollar cash bond, conditioned upon the prompt removal of all debris from the site within twenty-four hours of such display. Failure to do so shall cause the bond to be forfeited to the City.
- E. Applications for sale of fireworks shall be made annually on or after April 1st of the year for which the permit is issued and filing period shall close on May 31st of such year. Applications shall be signed before a notary public by the retail seller, if an individual, or by the duly authorized officer, if an association or corporation. It is unlawful for a fireworks manufacturer, wholesaler or supplier to make application for or to obtain a retail sales permit on behalf of any retailer.

Section 2: Section 9.28. of the Enumclaw Municipal Code is hereby amended to read as follows:

Dates and times common fireworks may be sold or discharged:

- A. No common fireworks shall be sold, offered for sale, or exposed for sale within the City except from twelve noon until eleven p.m. on the 28th day of June; nine a.m. until eleven p.m. on the 29th day of June through the third day of July of any year and from nine a.m. until nine p.m. on the 4th day of July.
- B. No person shall ignite or discharge any fireworks within the City except on July 4th of any year between the hours of nine a.m. and eleven p.m.
- C. No person shall discharge, without a permit, any common fireworks upon any city or publicly owned parks.
- D. The prohibitions set out in subsections (A) and (B) of this section shall not apply in the following cases:
 - (1) Public display as authorized by a state license and city permit pursuant to RCW 70.77.260(2); and
 - (2) Use for religious purposes pursuant to RCW 70.77.311; and
 - (3) Agricultural and wildlife fireworks used by government agencies as authorized by RCW 70.77.311.

Section 3: Section 9.28. of the Enumclaw Municipal Code is hereby enacted to read as follows:

All sales to be from temporary stands. All sales of common fireworks shall be from temporary stands, which shall not be erected prior to the 25th day of June of any year and which shall be removed not later than the sixth day of July of the same year.

Section 4: Subsection 9.28. of the Enumclaw Municipal Code is hereby

amended to read as follows:

No fireworks stand shall be located within fifty feet of any other building or structure, nor within two hundred fifty feet of any gasoline station, oil storage tank or premises where flammable liquids are kept or stored. No fireworks stand shall be located nearer than six hundred feet from another fireworks stand.

Section 5: Subsection 9.28. of the Enumclaw Municipal Code is hereby enacted to read as follows:

Each fireworks stand shall have, in a readily available place, at least two two-and-one-half gallon pressurized water fire extinguishers approved by the fire chief.

Section 6: Subsection 9.28. of the Enumclaw Municipal Code is hereby enacted to read as follows:

No person shall discharge any fireworks within two hundred fifty feet of the exterior of any fireworks stand and the same shall be posted with signs stating "No discharge of fireworks within 250 feet" on the exterior of all sides of the temporary stand with prominent bold lettering at least three inches in height.

Section 7: Subsection 9.28. of the Enumclaw Municipal Code is hereby enacted to read as follows:

At all times that fireworks stock is kept or stored within a temporary stand, a competent watchman over 18 years of age shall be at the site location.

Section 8: Subsection 9.28. of the Enumclaw Municipal Code is hereby enacted to read as follows:

All temporary fireworks stand locations shall be provided with a sturdy barrier consisting of bollards and rope or similar construction, erected at least 25 feet from the stand on all sides to prevent the parking of motor vehicles and to define the no smoking boundary.

Section 9: Subsection 9.28. of the Enumclaw Municipal Code is hereby enacted to read as follows:

Approved storage facilities required. It is unlawful for any person to store stocks of fireworks except in such places as approved by the fire chief. Unsold stocks of fireworks remaining after the authorized retail sales period from twelve noon on June twenty-eighth to nine p.m. on July 4th shall be stored in an approved location and be returned on or before July sixth of the same year to approved storage facilities of a licensed fireworks wholesaler, to a magazine or storage place approved by the fire chief or to a place approved by the State Fire Marshall. Upon receiving a written application at least thirty days prior to the date of proposed storage, the fire chief shall investigate whether the character and location of the storage would constitute a hazard to any property or be dangerous to any person. Based upon the investigation, the fire chief may grant or deny any application for storage or to subject the same to such reasonable conditions, if any, as he shall prescribe.

Section 10: Subsection 9.28. of the Enumclaw Municipal Code is

hereby enacted to read as follows:

Unlawful possession. The possession of any class or kind of fireworks in violation of the provisions of this chapter or RCW Chapter 70.77 is prohibited.

Section 11: Subsection 9.28. of the Enumclaw Municipal Code is

hereby enacted to read as follows:

Sale of fireworks to person under sixteen years of age prohibited. It is unlawful to sell fireworks to any person under the age of sixteen years. Seller shall require proof of age by means of display of a Washington State driver's license or photo identification card issued by the Washington State Department of Licensing. No other forms of identification shall be accepted.

Section 12: Subsection 9.28. of the Enumclaw Municipal Code is

hereby enacted to read as follows:

Enforcement. The fire chief, or designee, is authorized to enforce all provisions of this chapter and, in addition to criminal sanctions or civil remedies he may revoke any permit issued pursuant to this chapter upon any failure or refusal of the permittee to comply with the orders and directives of the fire chief or designee and/or to comply with any provisions of this chapter.

Section 13: Subsection 9.28.020(D) of the Enumclaw Municipal Code is

hereby enacted to read as follows:

Penalties for violation. Any person violating any of the provisions of this chapter shall, upon a finding by a court of competent jurisdiction that such violation was committed, be subject to a fine and/or imprisonment as follows:

- A. Unlawful possession of fireworks weighing less than one pound, exclusive of external packaging, shall be punishable by imprisonment for a period of not to exceed ninety days, and/or payment of a fine not to exceed one thousand dollars (\$1,000.00).
- B. Unlawful possession of fireworks weighing one pound or more, exclusive of external packaging, shall be punishable by imprisonment for a period of not to exceed one year, and/or payment of a fine not to exceed five thousand dollars (\$5,000.00).
- C. Violation of the prohibition upon use or discharge of fireworks in a reckless manner shall be punishable by imprisonment for a period of not more than one year and/or payment of a fine not to exceed five thousand dollars (\$5,000.00).
- D. A violation of the restrictions upon the sale of fireworks set forth in this chapter shall be punishable by imprisonment for a period not to exceed one year and/or payment of a fine not to exceed five thousand dollars (\$5,000.00).
- E. Any other violation of the provisions of this chapter shall be punishable by imprisonment of up to 90 days and/or payment of a fine not to exceed one thousand dollars (\$1,000.00).

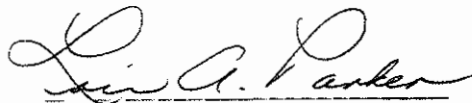
Section 14: If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of

competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

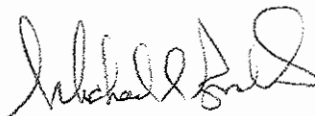
Section 15. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of the attached summary which is hereby approved.


Mayor Robert Denison
Introduced: 3-28-88
Passed: 4-11-88
Approved: 4-11-88
Published: 4-14-88

Attested:


Lois A. Parker
City Clerk

Approved as to Form:


Michael J. Reynolds
City Attorney

CITY OF MAPLE VALLEY

ORDINANCE NO. O-20-707

AN ORDINANCE OF THE CITY OF MAPLE VALLEY, WASHINGTON, REPEALING SECTION 8.10.040 OF THE MAPLE VALLEY MUNICIPAL CODE ENTITLED “SALE AND DISCHARGE OF FIREWORKS” AND ADDING A NEW SECTION, SECTION 9.05.385 ENTITLED “FIREWORKS” TO THE CRIMINAL CODE; PROVIDING FOR SEVERABILITY AN EFFECTIVE DATE AND CORRECTIONS.

WHEREAS, the City of Maple Valley adopted a fireworks ban that took effect on December 15, 2016; and

WHEREAS, the fireworks ban was initially incorporated into Chapter 8.10 of the Maple Valley Municipal Code entitled “Firework Permits,” which pertained to obtaining proper permitting displaying fireworks; and

WHEREAS, because the fireworks ban sought to punish individuals for possessing, selling and using fireworks, it is more appropriate to repeal Section 8.10.040 and place the language into Chapter 9.05, the Maple Valley Criminal Code; and

WHEREAS, since the imposition of the fireworks ban, the City has determined it necessary to include those who permit the possession, sale and discharge of fireworks on their property to be held accountable as well as those who possess, sell and discharge fireworks; and

WHEREAS, in addition to the gross misdemeanor penalty associated with this crime, the City believed it necessary to allow for graduated civil monetary penalties in order to motivate behavior away from the discharge of fireworks; and

WHEREAS, the City Council would like to repeal Section 8.10.040 of the Maple Valley Municipal Code and add a new section, Section 9.05.385, into the Criminal Code;

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

Section 1: Repealer. Section 8.10.040 of the Maple Valley Municipal Code entitled “Sale and discharge of fireworks” is hereby repealed.

Section 2. New Section. A new section, section 9.05.385 entitled “Fireworks,” shall be added to the Maple Valley Municipal Code in full as follows:

Section 9.05.385 Fireworks

A. Definitions. The definitions of Chapter 70.77 RCW as now stated or hereinafter amended shall govern the construction of this Section, when applicable, and are hereby adopted by this reference. A copy of the same shall be kept on file in the office of the city clerk for public use and inspection. In addition, the following definitions shall apply throughout this chapter:

1. “Civil infraction” has the meaning given that term by Chapter 7.80 RCW, as now or hereafter amended, and the Infraction Rules for Courts of Limited Jurisdiction (“IRLJ”) and any local rule adopted thereto by the King County district court, as they may be now or hereafter amended.

2. “Property” shall mean real or personal property, and shall include but is not limited to, any type of residential premises including a house, apartment, condominium, or any other type of dwelling unit; any type of commercial premises; and any type of motor vehicle.

B. Possession, Sale or Discharge of Fireworks Prohibited. It is unlawful for any person to possess, sell or discharge any fireworks within the City.

C. Permitting Possession, Sale or Discharge of Fireworks Prohibited. It is unlawful for any person to possess or control property within the City with knowledge that the property is being used for the possession, sale or discharge of fireworks, without making reasonable efforts to halt or abate such use.

D. Exception: This Section does not apply to the following activities, when authorized by a State license and City permit:

1. Duly authorized public displays, as provided in RCW 70.77.290; and
2. Duly authorized use by religious organizations or private organizations or persons, as provided in RCW 70.77.311(2), if:
 - (a) Purchased from a licensed manufacturer, importer, or wholesaler;
 - (b) For use on prescribed dates and locations; and
 - (c) For religious purposes.

E. Penalty and Enforcement. A violation of any offense under this Section shall be punishable as a civil infraction for the first and second offenses and punishable as a misdemeanor for the third and subsequent offenses.

1. A civil infraction hereunder may be punished by a civil fine as follows:
 - (a) Up to two hundred fifty dollars for the first violation.
 - (b) Up to five hundred dollars for the second violation.
2. A misdemeanor hereunder may be punished by imprisonment of up to 90 days or imposition of a fine of up to \$1,000, or by both such fine and imprisonment.

Section 3. Severability. If any section, subsection, clause, sentence, or phrase of this ordinance should be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

Section 5. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and 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.

ADOPTED BY THE CITY COUNCIL AT A MEETING THEREOF ON THE 28TH DAY OF SEPTEMBER 2020.

CITY OF MAPLE VALLEY

Sean P. Kelly, Mayor

ATTEST/AUTHENTICATED:

Shaunna Lee-Rice, City Clerk

APPROVED AS TO FORM:

Patricia Taraday, City Attorney

Date of Publication: October 2, 2020

Effective Date: October 7, 2020