

ORDINANCE NO. 1204

CITY OF LACEY

AN ORDINANCE AMENDING THE DEFINITIONS OF FIREWORKS IN CHAPTER 9.20 OF THE LACEY MUNICIPAL CODE TO BE CONSISTENT WITH STATE LAW, PROHIBITING THE DISCHARGE OF CONSUMER FIREWORKS WITHIN THE WOODLAND DISTRICT FROM 6:00 PM ON JULY 3<sup>RD</sup> THROUGH 9:00 AM ON JULY 4<sup>TH</sup> OF EACH YEAR, AMENDING SECTIONS 9.20.020, 9.20.030, 9.20.042, 9.20.044, 9.20.046, AND 9.20.048 OF THE LACEY MUNICIPAL CODE, AND ADOPTING A SUMMARY FOR PUBLICATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY,

WASHINGTON, as follows:

Section 1: Section 9.20.020 of the Lacey Municipal Code is hereby amended to read as follows:

**9.20.020 Fireworks--Definitions.** The following definitions shall apply to Sections 9.20.030 through 9.20.048:

- A. "Fireworks" means any composition or device, in a finished state, containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and classified as ~~common consumer or special display~~ fireworks.
- B. "~~Special-Display~~ fireworks" means largeany fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation and includes, but is not limited to, salutes containing more than 2 grains (130 mg) of explosive materials, aerial shells containing more than 40 grams of pyrotechnic compositions, and other display pieces which exceed the limits of explosive materials for classification as "consumer fireworks" and are classified as fireworks UN0333, UN0334, or UN0335 by the United States department of transportation at 49 C.F.R. Sec. 172.101 as of June 13, 2002, and including fused setpieces containing components which exceed 50 mg of salute powder. ~~for exhibition display by producing visible or audible effects. The term includes (1) fireworks commonly known as skyrockets, missile type rockets, firecrackers, salutes, and chasers; and (2) fireworks not classified as common fireworks.~~
- C. "~~Common-Consumer~~ fireworks" means any small fireworks device designed primarily to produce visual or audible effects by combustion, such as whistling devices, ground devices, and hand held devices containing 50 mg or less of explosive materials, and aerial devices containing 130 mg or less of explosive materials and which must comply with the construction, chemical composition, and labeling regulations of the United States consumer product safety commission, as set forth in 16 C.F.R. Parts 1500 and 1507 and classified as fireworks UN0336 by the United States department of transportation at 49 C.F.R. Sec. 172.101 as of June 13, 2002, and

not including fused setpieces containing components, which together exceed 50 mg of salute powder.

- ~~1. The term includes:~~
    - ~~a. Ground and hand held sparkling devices, including items commonly known as dipped sticks, sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, and flitter sparklers;~~
    - ~~b. Smoke devices;~~
    - ~~c. Fireworks commonly known as helicopters, aerials, spinners, roman candles, mines and shells;~~
    - ~~d. Class C explosives classified on January 1, 1984, as common fireworks by the United States Department of Transportation.~~
  - ~~2. The term does not include fireworks commonly known as firecrackers, salutes, chasers, skyrockets and missile type rockets.~~
- D. "Retailer" includes any person who, at a fixed location or place of business, sells, transfers, or gives ~~common~~ consumer fireworks to a consumer or user.
- E. "Wholesaler" includes any person who sells fireworks to a retailer or any other person for resale and any person who sells ~~special~~ display fireworks to public display licensees.

Section 2: Section 9.20.030 of the Lacey Municipal Code is hereby amended to read as follows:

**9.20.030 Sales, possession and discharge of fireworks.**

- A. Toy pistols, toy canes, toy guns or other similar devices in which paper caps containing not more than 25/100 grain of explosive compound for each cap may be sold at all times.
- B. ~~Common Consumer~~ fireworks may be sold in the city between the hours of 9:00 a.m. and 11:00 p.m. on the 1st through the 4th day of July of each year. Such ~~common consumer~~ fireworks may be discharged only between the hours of 9:00 a.m. and 11:00 p.m. on July 3rd and 4th of each year. In addition to all other rules and regulations, consumer fireworks may not be discharged within the Woodland District of the City of Lacey between 6:00 p.m. on July 3rd through 9:00 a.m. on July 4th of each year.
- C. The sale, use and possession of ~~special~~ display fireworks or any other fireworks not described in 9.20.030(A) and (B) shall be unlawful unless sold, possessed or used in accordance with the provisions of chapter 70.77 RCW.

Section 3: Section 9.20.042 of the Lacey Municipal Code is hereby amended to read as follows:

**9.20.042 Fireworks--Unlawful sales.** Any person, firm or corporation selling ~~common~~ consumer fireworks in the city at any time not specified in Section 9.20.030 shall be guilty of a misdemeanor.

Section 4: Section 9.20.044 of the Lacey Municipal Code is hereby amended to read as follows:

**9.20.044 Fireworks--Unlawful transfer.** Any person who knowingly sells, transfers or agrees to sell or transfer within the city any ~~special display~~ fireworks to any person who is not a fireworks licensee as provided for in RCW chapter 70.77 shall be guilty of a gross misdemeanor.

Section 5: Section 9.20.046 of the Lacey Municipal Code is hereby amended to read as follows:

**9.20.046 Fireworks--Unlawful possession or discharge.** It shall be unlawful for any person, within the city of Lacey, to:

- A. Possess fireworks which are not authorized by the terms of this chapter or authorized to be in the possession of a licensee pursuant to chapter 70.77 RCW. Possession of less than one pound of said unauthorized fireworks, exclusive of external packaging, shall constitute a misdemeanor and possession of one pound or more of said non-authorized fireworks, exclusive of external packaging, shall constitute a gross misdemeanor. For purposes of this subsection, the term "external packaging" means any materials that are not an integral part of the operative unit of the fireworks.
- B. Discharge ~~common consumer~~ fireworks in the city except at the dates and times between the hours of 9:00 a.m. and 11:00 p.m. on July 3rd and 4th of each year provided in section 9.20.030B above. Violation of this subsection shall constitute a misdemeanor.
- C. Discharge or otherwise use fireworks in a reckless manner which creates a substantial risk of death or serious physical injury to another person or damage to the property of another. A violation of this section shall constitute a gross misdemeanor.
- D. To allow rubbish to accumulate in any premises in which fireworks are stored or sold or to permit a fire nuisance to exist on such premises. A violation of this subsection shall constitute a misdemeanor.

Section 6: Section 9.20.048 of the Lacey Municipal Code is hereby amended to read as follows:

**9.20.048 Fireworks--Unlawful sale or transfer.** It is unlawful for any person to sell or transfer any ~~common consumer~~ fireworks to a consumer or user other than at a fixed

place of business of a retailer for which a license and permit have been issued. Violation of the terms of this section shall constitute a gross misdemeanor.

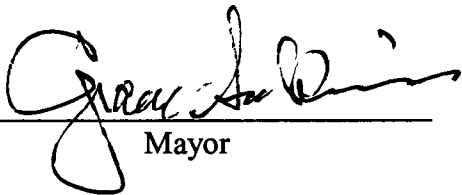
Section 7: Pursuant to RCW 70.77, this ordinance will become effective one year after passage.

Section 8: The Summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,

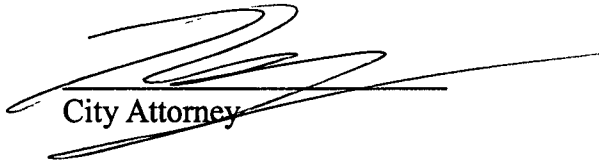
WASHINGTON, this 22nd day of MAY, 2003.

CITY COUNCIL


By   
Mayor

Approved as to form:

Attest:

  
City Attorney

DEPUTY

  
City Clerk

Published: MAY 26, 2003

SUMMARY FOR PUBLICATION

ORDINANCE 1204

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on MAY 22, 2003, Ordinance No. 1204, entitled "AN ORDINANCE AMENDING THE DEFINITIONS OF FIREWORKS IN CHAPTER 9.20 OF THE LACEY MUNICIPAL CODE TO BE CONSISTENT WITH STATE LAW, PROHIBITING THE DISCHARGE OF CONSUMER FIREWORKS WITHIN THE WOODLAND DISTRICT FROM 6:00 PM ON JULY 3<sup>RD</sup> THROUGH 9:00 AM ON JULY 4<sup>TH</sup> OF EACH YEAR, AMENDING SECTIONS 9.20.020, 9.20.030, 9.20.042, 9.20.044, 9.20.046, AND 9.20.048 OF THE LACEY MUNICIPAL CODE AND ADOPTING A SUMMARY FOR PUBLICATION"

The main points of the Ordinance are described as follows:

1. The definitions in Lacey Municipal Code section 9.20 were amended to be consistent with state law.
2. The discharge of consumer fireworks is prohibited in the Woodland District of the City of Lacey from 6:00 p.m. on July 3<sup>rd</sup> through 9:00 a.m. on July 4<sup>th</sup> of each year.
3. This summary is approved for publication.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: MAY 26, ~~2002~~. 2003.