

ORDINANCE NO. 1311

CITY OF LACEY

AN ORDINANCE SPECIFYING THAT THE DISCHARGE OF CONSUMER FIREWORKS IN THE CITY CONSTITUTES A CIVIL INFRACTION RATHER THAN A MISDEMEANOR, AMENDING SECTION 9.20.046 OF THE LACEY MUNICIPAL CODE, DECLARING THE ORDINANCE TO BE A PUBLIC EMERGENCY ORDINANCE AND APPROVING A SUMMARY FOR PUBLICATION.

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

WASHINGTON, as follows:

Section 1. 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 display fireworks which are not authorized to be in the possession of a licensee pursuant to Chapter 70.77 of the Revised Code of Washington. Possession of less than one pound of said unauthorized display fireworks, exclusive of external packaging, shall constitute a misdemeanor and possession of one pound or more of said non-authorized display 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 consumer fireworks in the city. Violation of this subsection shall constitute ~~a misdemeanor~~ an infraction. The penalty and bail amounts for such infraction shall be as set forth by Court Rule pursuant to Rule 6.2 of the Infraction Rules For Courts of Limited Jurisdiction.



C. Discharge or otherwise use any 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 2. The amendment called for in this Ordinance is deemed by the Council to be necessary to provide for effective enforcement of the fireworks regulations of the City and such enforcement is necessary for the July 4, 2008 holiday and the days immediately preceding and following said holiday and therefore this Ordinance is declared to be a Public Emergency Ordinance necessary for the protection of public safety and the public peace and shall be effective upon its adoption.

Section 3. The Summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, at a regularly-called meeting thereof, held this 26th day of June, 2008.

CITY COUNCIL

By: 
Mayor

Approved as to form:


City Attorney

Attest:


City Clerk



SUMMARY FOR PUBLICATION

ORDINANCE 1311

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on June 26, 2008, Ordinance No. 1311, entitled "AN ORDINANCE SPECIFYING THAT THE DISCHARGE OF CONSUMER FIREWORKS IN THE CITY CONSTITUTES A CIVIL INFRACTION RATHER THAN A MISDEMEANOR, AMENDING SECTION 9.20.046 OF THE LACEY MUNICIPAL CODE, DECLARING THE ORDINANCE TO BE A PUBLIC EMERGENCY ORDINANCE AND APPROVING A SUMMARY FOR PUBLICATION."

The main points of the Ordinance are described as follows:

1. The discharge of consumer fireworks in the City is currently classified as a misdemeanor. This Ordinance amends that classification to declare that such discharge shall constitute a civil infraction.
2. The Ordinance is declared as a Public Emergency Ordinance necessary for protection of public safety and the public peace and therefore made effective upon its adoption.
3. The Ordinance approves this summary 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: June 30, 2008.

