

ORDINANCE 909

AN ORDINANCE RELATING TO THE REGULATION OF THE SALE, POSSESSION AND USE OF FIREWORKS WITHIN THE CITY, REPEALING SECTIONS 9.20.020 AND 9.20.030, ADDING NEW SECTIONS 9.20.020, 9.20.030, 9.20.042, 9.20.044, 9.20.046 AND 9.20.048 AND AMENDING SECTION 9.20.040, ALL OF THE LACEY MUNICIPAL CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1: Sections 9.20.020 and 9.20.030 of the Lacey Municipal Code are hereby repealed.

Section 2: There is hereby added to the Lacey Municipal Code a new section 9.20.020 to read as follows:

"The following definitions shall apply to Sections 9.20.030 through 9.20.048:

"1. "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 or special fireworks.

"2. "Special fireworks" means any fireworks designed primarily 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.

"3. "Common fireworks" means any fireworks designed primarily to produce visual or audible effects by combustion.

(A) The term includes:

(i) 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;

(ii) Smoke devices;

(iii) Fireworks commonly known as helicopters, aeri-als, spinners, roman candles, mines and shells;

(iv) Class C explosives classified on January 1, 1984, as common fireworks by the United States department of transportation.

(B) The terms does not include fireworks commonly known as firecrackers, salutes, chasers, skyrockets and missile-type rockets.

"4. "Retailer" includes any person who, at a fixed location or place of business, sells, transfers, or gives common fireworks to a consumer or user.

"5. "Wholesaler" includes any person who sells fireworks to a retailer or any other person for resale and any person who sells special fireworks to public display licensees."

Section 3: There is hereby added to the Lacey Municipal Code a new section 9.20.030 to read as follows:

"Sales, possession and discharge of fireworks.

"1. 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.

"2. Common fireworks may be sold or discharged in the city from 12:00 noon on the 28th day of June to 12:00 noon on the 6th day of July of each year. Except that no common fireworks may be sold or discharged between the hours of 11:00 p.m. and 9:00 a.m.

"3. The sale, use and possession of special fireworks or any other fireworks not described in subsections 1 and 2 of this section shall be unlawful unless sold, possessed or used in accordance with the provisions of chapter 70.77 RCW."

Section 4: Section 9.20.040 is hereby amended to read as follows:

"Fireworks permits. (a) Any person, firm or corporation selling fireworks within the city, either as a wholesale dealer or as a retail dealer, shall be required as a condition of such operation to secure from the city finance director clerk a permit for such sale of fireworks. The fee for such permits shall be effective for the full calendar year in which the permit is secured. The city finance director clerk is directed to issue such permits to those dealers complying with the terms of this chapter and chapter 70.77 RCW upon application and payment of the permit fee upon-application and-payment-of-the-permit-fee. (b) A person who sells fireworks without a permit is guilty of a misdemeanor.

Section 5: There is hereby added to the Lacey Municipal Code a new section 9.20.042 to read as follows:

"Any person, firm or corporation selling common fireworks in the city at any time not specified in section 9.20.030 shall be guilty of a misdemeanor."

Section 6: There is hereby added to the Lacey Municipal Code a new section 9.20.044 to read as follows:

"Any person who knowingly sells, transfers or agrees to sell or transfer within the city any special 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 7: There is hereby added to the Lacey Municipal Code a new section 9.20.046 to read as follows:

"It shall be unlawful for any person, within the city of Lacey, to:

"1. 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.

"2. Discharge common fireworks in the city after 12:00 noon on the 6th day of July of each year and prior to 12:00 noon on the 28th day of June of each year or to so discharge such fireworks between the hours of 11:00 p.m. and 9:00 a.m. Violation of this subsection shall constitute a misdemeanor.

"3. 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.

"4. 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 8: There is hereby added to the Lacey Municipal Code a new section 9.20.048 to read as follows:

"It is unlawful for any person to sell or transfer any common 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 9: The summary of this ordinance, which is attached hereto, is approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, this 13th day of June, 1991.

CITY COUNCIL

BY Gene Ciddell
Mayor

Attest:

Charlotta M. Taylor
City Clerk

Approved as to form:

[Signature]
City Attorney

Published June 17, 1991

SUMMARY FOR PUBLICATION
ORDINANCE 909

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on June 13, 1991, Ordinance No. 909 entitled "AN ORDINANCE RELATING TO THE REGULATION OF THE SALE, POSSESSION AND USE OF FIREWORKS WITHIN THE CITY, REPEALING SECTIONS 9.20.020 AND 9.20.030, ADDING NEW SECTIONS 9.20.020, 9.20.030, 9.20.042, 9.20.044, 9.20.046 AND 9.20.048 AND AMENDING SECTION 9.20.040, ALL OF THE LACEY MUNICIPAL CODE."

A section by section summary of this ordinance is as follows:

Section 1 repeals sections 9.20.020 and 9.20.030 of the Lacey Municipal Code.

Section 2 adds a new section, 9.20.020 and defines the terms "fireworks", "special fireworks", "common fireworks", "retailer" and "wholesaler".

Section 3 adds a new section, 9.20.030 designating the dates, times and manner in which fireworks may be sold within the city.

Section 4 amends section 9.20.040 relating to permit requirements for wholesale or retail sales by dealers.

Section 5 adds section 9.20.042 declaring it a misdemeanor to sell common fireworks at times other than specified in the ordinance.

Section 6 adds section 9.20.044 declaring it a gross misdemeanor to sell special fireworks to any person not properly licensed.

Section 7 adds section 9.20.046 to make it unlawful to possess, discharge or otherwise use fireworks in a manner not allowed by the ordinance or in a reckless manner and further prohibits the storage of fireworks in a place where rubbish accumulates or a nuisance exists. This section declares which violations are misdemeanors and which are gross misdemeanors.

Section 8 adds section 9.20.048 making it unlawful to sell or transfer common fireworks without a license and permit to do so and making the violation of the section a gross misdemeanor.

Section 9 approves this summary.

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 17, 1991.