

ORDINANCE NO. 005/2005

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, ADDING A NEW CHAPTER 9.26 TO THE MONROE MUNICIPAL CODE ENTITLED "FIREWORKS"; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Chapter 70.77 RCW, the State Fireworks Law, governs the purchase, sale, and discharge of fireworks;

WHEREAS, RCW 70.77.250(4) permits cities to adopt ordinances with stricter regulations of fireworks than state law, provided such ordinances may not have an effective date sooner than one year after their adoption;

WHEREAS, the City Council desires to adopt the regulations governing sale and discharge of fireworks that are more restrictive than state law;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE DO ORDAIN AS FOLLOWS:

Section 1. A new Chapter 9.26 is hereby added to the Monroe Municipal Code to read as follows:

Chapter 9.26

FIREWORKS

Sections:

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| 9.26.010 | RCW adopted – Copies filed and authenticated. |
| 9.26.020 | Restriction on times for sale and discharge of fireworks. |
| 9.26.030 | Restrictions and permits. |
| 9.26.040 | Littering. |
| 9.26.050 | Violation – Penalty. |
| 9.26.060 | Severability. |

9.26.010 RCW adopted – Copies filed and authenticated. Except as otherwise provided herein, Chapter 70.77 RCW, State Fireworks Law, is hereby adopted by reference, including all future amendments or additions thereto, and under the provisions of RCW 35A.12.140, the sections codified in this chapter shall be published as required by law, but the specified Chapter 70.77 RCW adopted by reference need not be published but shall be authenticated and recorded with the Monroe city clerk, and not less than one copy of such chapter in the form in which it was adopted shall forthwith be filed in the office of the Monroe city clerk for use and examination by the public.

9.26.020 Restriction on times for sale and discharge of fireworks. The sale, purchase and discharge of consumer fireworks shall not be permitted at any time except during the following times and dates:

A. Consumer fireworks may be purchased and sold within the City of Monroe, Washington only between the hours of 12:00 noon and 11:00 p.m. on June 28th of any year and between 9:00 a.m. and 11:00 p.m. on June 29th through July 4th of any year; and only between the hours of 12:00 noon and 11:00 p.m. on December 27th of any year and between 9:00 a.m. and 11:00 p.m. on December 28th through December 31st of any year; and

B. Consumer fireworks may be discharged within the City of Monroe, Washington only:

1. Between the hours of 9:00 a.m. and 12:00 mid-night on the 4th of July of any year; and

2. Between the hours of 6:00 p.m. on December 31st and 1:00 a.m. on January 1st of the subsequent year.

9.26.030 Restrictions and permits.

A. Fireworks, including any composition or device designed to produce a visual or audible effect by combustion, deflagration, or detonation, and which meets the definition of articles pyrotechnic or consumer fireworks or display fireworks under Ch. 70.77 RCW, shall not be manufactured, used, sold or detonated within the City of Monroe, Washington, except as follows:

1. Flares for emergency operation;

2. Signal device to begin an athletic event or sport;

3. Use by military organizations;

4. Blank cartridges for show or theater;

5. A public fireworks display permitted in accordance with MMC 15.04.110 and; RCW 70.77.260; and

6. "Common fireworks" as such term is defined by WAC 212-17-035.

B. Any person desiring to:

1. manufacture, import, possess with intent to sell, or sell any fireworks at wholesale or retail for any use; or

2. make a public display of fireworks in accordance with MMC 15.04.110; RCW 70.77.260;

within the City of Monroe shall, not less than five days prior to such activity, obtain from the City a business license pursuant to Chapter 5.02 MMC.

9.26.040 Littering. The debris from discharged fireworks shall be properly disposed of. All persons discharging fireworks shall police the area in which such fireworks were discharged and pick all litter resulting from such fireworks. Violation of this section shall be a violation under this Chapter 9.26, MMC 9.28.170, and RCW 70.93.060.

9.26.050 Violation – Penalty.

A. Any person violating any provision of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine in an amount not exceeding \$1,000, or by imprisonment in jail for a term not exceeding 90 days, or by both. In the case of a conviction for a violation of this chapter, the city's fire marshal or designee may order the fireworks stand closed and may deny approval of a request by the person for a fireworks permit for a period of one year.

B. A person is guilty of a separate offense for each separate and distinct violation of any provisions of this chapter, and a person is guilty of a separate offense for each day during which he/she commits or allows to continue any violation of the provisions of this chapter.

C. Any fireworks which are illegally sold, offered for sale, used, discharged, possessed or transported in violation of the provisions of this chapter or of Chapter 70.77 RCW shall be subject to seizure by any police officer.

9.26.060 Severability. If any section, sentence, clause or phrase of this ordinance or the amendments to the Monroe Municipal Code adopted hereby 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 3. Effective Date. This ordinance shall be in full force and effect one (1) year from and after its passage and publication as provided by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, Washington, at a regular meeting thereof held this 16th day of February, 2005.

1st Reading: 02/16/05
Published: 02/23/05
Effective: 02/23/06

CITY OF MONROE, WASHINGTON

Donnetta Walser, Mayor

ATTEST:

Betty King, City Clerk

APPROVED AS TO FORM:

Phil Olbrechts, City Attorney