ORDINANCE NO. 16-0473

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGECWOOD, WASHINGTON, AMENDING CHAPTER 8.10 EMC FIREWORKS; MODIFYING THE DATES AND HOURS OF PERMISSIBLE FIREWORK DISCHARGE; UPDATING AND CLARIFYING THE CITY'S FIREWORKS ENFORCEMENT PROVISIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Edgewood currently regulates fireworks within Chapter 8.10 of Edgewood Municipal Code; and

WHEREAS, previous City Councils have been made aware of the potential negative ramifications associated with the discharge of both legal and illegal fireworks within the City of Edgewood; and

WHEREAS, RCW 70.77 regulates fireworks within the State of Washington and allows local jurisdictions to enact ordinances (RCW 70.77.395(3)) that prohibit the sale, purchase, possession, or use of consumer fireworks; and

WHEREAS, the Council of the City of Edgewood desires to further restrict the discharge of consumer fireworks and to further update and clarify the enforcement provisions of Chapter 8.10 EMC; and

WHEREAS, 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, in accordance with RCW 70.77.250(4);

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

Section 1. Findings. The recitals above are hereby adopted as legislative findings in support of this ordinance. The City Council further adopts by reference the staff report and agenda bill dated June 28, 2016 as additional findings.

Section 2. Amendment of EMC 8.10.020. Section 8.10.020 of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

8.10.020 Definitions – Delegation of authority.
Definitions of terms used in this chapter shall be as set forth in Chapter 70.77 RCW and Chapter 212-17 WAC except as expressly provided herein.

A. Delegation of Authority. Pursuant to RCW 70.77.270, the city council hereby designates the East Pierce Fire and Rescue fire
chief, or his or her designee as the person with authority to issue, condition, deny and/or revoke permits pursuant to this chapter, and to enforce the provisions hereof.

B. Local Fire Official Defined. The terms “local fire official” or “fire chief” as used in this chapter shall mean the chief of East Pierce Fire and Rescue or his or her designee.

**Section 3. Amendment of EMC 8.10.030.** Subsection 8.10.030(M) of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

8.10.030 Retail fireworks sales.

. . . .

M. Violations. Without prejudice to any other penalties and remedies, violation of any provision of Chapter 70.77 RCW, this chapter, or a permit issued hereunder, or any failure or refusal on the part of a retailer to obey any rule, regulation or request of the fire chief, shall be grounds for the revocation of a fireworks permit. Such revocation shall be grounds for denial of any permit application submitted by the permittee during or otherwise pertaining to the calendar year immediately following the year in which such revocation occurs.

**Section 4. Amendment of EMC 8.10.050.** Section 8.10.050 of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

8.10.050 Dates and hours when consumer fireworks discharge permitted.

A. Restrictions on Times for Discharge. The discharge of consumer fireworks is prohibited at any time except between the hours of 9:00 am and 12:00 a.m. on the Fourth of July and between the hours of 6:00 p.m. on December 31st and 1:00 a.m. on January 1st of the subsequent year. Provided, that this prohibition shall not apply to duly authorized public displays where the same are authorized pursuant to the laws of the state; and provided further, that this prohibition shall not apply to persons or organizations specified in EMC 8.10.070.
Section 5. Amendment of EMC 8.10.080. Section 8.10.080 of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

8.10.080 Penalties.
A. Any person violating any of the provisions of this chapter shall be guilty of a civil infraction and shall be assessed a civil penalty of $250.00 for each and every day of violation. Any violation of this chapter which also constitutes a violation of state law shall also be punishable in accordance with any and all applicable state law penalties, including without limitation the provisions of Chapter 70.77 RCW.

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 or by the city’s fire marshal or his designee to the extent permitted by law.

Section 6. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 7. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force three hundred and sixty five (365) days after its date of adoption.

Presented to Council for First Reading June 14th, 2016
ADOPTED BY THE CITY COUNCIL ON JUNE 28th, 2016
ATTEST/AUTHENTICATED:

Rachel Pitzel
City Clerk Rachel Pitzel

APPROVED AS TO FORM:

Zach Lell, City Attorney

Date of Publication: June 30, 2016
Effective Date: June 30, 2017

{Z:\1464817.DOCK;1\00069.900000/}
CITY OF EDGEWOOD
2224 - 104th Ave. East
Edgewood, WA  98371
(253) 952-3299
Fax: (253) 952-3537

LEGAL NOTICE

Date:  June 28, 2016

NOTICE OF ORDINANCE PASSED BY EDGEWOOD CITY COUNCIL

The following is a summary of an Ordinance passed by the City of Edgewood City Council on the 28th day of June, 2016, and shall take effect and be in full force on the 28th day of July, 2017.

ORDINANCE NO.16-0473

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, AMENDING CHAPTER 8.10 EMC FIREWORKS; MODIFYING THE DATES AND HOURS OF PERMISSIBLE FIREWORK DISCHARGE; UPDATING AND CLARIFYING THE CITY'S FIREWORKS ENFORCEMENT PROVISIONS; AND ESTABLISHING AN EFFECTIVE DATE.

The full text of the Ordinance is available at the City Clerk’s office, Edgewood City Hall, 2224 - 104th Ave. East, Edgewood, WA 98371 (253) 952-3299.

Rachel Atwill
City Clerk, Rachel Pitzel

Published in the News Tribune on: June 30, 2016