

ORDINANCE NO. 2018-980

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, AMENDING CHAPTER 8.34 OF THE DEER PARK MUNICIPAL CODE LIMITING THE SALE OF FIREWORKS TO JULY 3 AND JULY 4 AT CERTAIN TIMES; LIMITING THE USE OF FIREWORKS TO JULY 4 AND DECEMBER 31 AT CERTAIN TIMES; AMENDING OTHER FIREWORKS RULES AND REGULATIONS; AMENDING THE PENALTY FOR VIOLATIONS TO INCLUDE CIVIL PENALTIES; CONTAINING A SEVERABILITY PROVISION; AND SETTING AN EFFECTIVE DATE.

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**WHEREAS**, the Mayor, the City Council, and members of the community have considered and discussed fireworks regulations several times since July 4, 2018; and

**WHEREAS**, the City Council has determined that amendment should be made to the city fireworks rules and regulations as set forth in this ordinance; and

**WHEREAS**, the City Council has determined that the provisions in this Ordinance are in the best interests of the public health, safety and welfare of the citizens of the City of Deer Park; NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF DEER PARK, WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 1.** Chapter 8.34 of the Deer Park Municipal Code is hereby amended to read as follows:

**Chapter 8.34  
FIREWORKS REGULATIONS**

Sections:

8.34.010 Purpose.

8.34.020 Definitions.

8.34.030 Sales and discharge schedule.

8.34.040 Rules and regulations.

8.34.050 Violation – civil infraction.

8.34.060 State law adopted.

**8.34.010 Purpose.**

It is declared the public policy of the city to secure and maintain such levels of fireworks regulations as to protect human health and safety, and to the greatest degree practicable prevent injury to property and physical safety of individuals. To this end, it is the purpose of this chapter to provide reasonable regulations that balance the freedom to enjoy historical traditions and the protection of the public health and safety.

**8.34.020 Definitions.**

“Consumer fireworks” means those fireworks as defined in RCW 70.77.136.

“Display fireworks” means those fireworks as defined in RCW 70.77.131.

“Public display of fireworks” means an entertainment feature where the public is admitted or permitted to view the display or discharge of display fireworks.

“Light off” means to ignite the fuse or other device or by other means cause the firework to combust or to begin the process of combustion. The term “discharge” shall have the same meaning as “light off” for purposes of this Chapter.

**8.34.030 Sales and discharge schedule.**

- A. It is legal to sell consumer fireworks within the city only from 7:00 a.m. to 8:00 p.m. on July 3 and 4.
- B. The discharge of consumer fireworks in the City is permitted only on July 4 from noon to midnight and on December 31 from 5:00 p.m. to 12:30 a.m. on January 1.
- C. The public display of fireworks in the City may be authorized by the City Council and if authorized shall be provided in compliance with all applicable state laws and any other conditions imposed by the City Council.
- D. The City Council may, at any time by resolution, ban fireworks sales and/or discharge if a public threat of fire emergency is determined to exist in the city.

**8.34.040 Rules and regulations.**

- A. It is unlawful to light off any fireworks on public property, including but not limited to all city right of ways, city parks, public school property, and public play fields. Public displays of fireworks approved by the City Council are exempt from this regulation.
- B. It is unlawful to light off fireworks on property zoned diversified commercial, central commercial, cemetery zone, light industrial business park, or public/quasi-public, except on property used for residential purposes with the consent of the property owner. Public displays of fireworks approved by the City Council are exempt from this regulation.
- C. It is unlawful to light off any fireworks at times not permitted under DPMC 8.34.030.
- D. It is unlawful to at any time light off fireworks that are not consumer fireworks as defined in DPMC 8.34.020.
- E. It is unlawful to light off fireworks in a manner that is hazardous or dangerous to persons or property.

**8.34.050 Violation – civil infraction.**

Any person who violates any of the provisions of DPMC 8.34.040 shall be guilty of a civil infraction punishable as set forth in DPMC 1.16.020.

**8.34.060 State law adopted.**

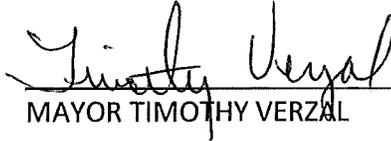
Except as otherwise specifically provided in this Chapter, the provisions of Chapter 70.77 RCW shall apply within the city. All references in this Chapter to the provisions of Chapter 70.77 RCW shall include and be considered references to any future amendments to the provisions of said Chapter.

**Section 2.** If any section, sentence, clause, or phrase of this Ordinance shall 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.** The City Clerk is hereby directed to publish a summary of this Ordinance consisting of its title in a newspaper of general circulation in the City.

**Section 4.** This Ordinance shall be in full force and effect one year following its approval by the City Council.

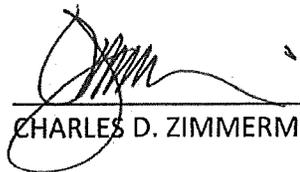
APPROVED:

  
MAYOR TIMOTHY VERZAL

ATTEST/AUTHENTICATED:

  
DEBY CRAGUN CITY CLERK-TREASURER

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

BY:   
CHARLES D. ZIMMERMAN

FILED WITH THE CITY CLERK	:	<u>11/1/18</u>
PASSED BY THE CITY COUNCIL	:	<u>11-19-18</u>
PUBLISHED	:	<u>11-20-18</u>
EFFECTIVE DATE	:	<u>11-27-18</u>
ORDINANCE NO.	:	<u>2018- 980</u>

SUMMARY OF ORDINANCE NO. 2018-980

of the City of Deer Park, Washington

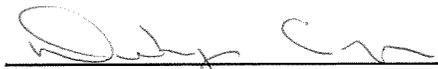
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On the 19<sup>th</sup> day of November, 2018, the City Council of the City of Deer Park, Washington, passed Ordinance No. 2018-980. A summary of the content of said ordinance, consisting of the title, provides as follows:

**AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, AMENDING CHAPTER 8.34 OF THE DEER PARK MUNICIPAL CODE LIMITING THE SALE OF FIREWORKS TO JULY 3 AND JULY 4 AT CERTAIN TIMES; LIMITING THE USE OF FIREWORKS TO JULY 4 AND DECEMBER 31 AT CERTAIN TIMES; AMENDING OTHER FIREWORKS RULES AND REGULATIONS; AMENDING THE PENALTY FOR VIOLATIONS TO INCLUDE CIVIL PENALTIES; CONTAINING A SEVERABILITY PROVISION; AND SETTING AN EFFECTIVE DATE.**

The full text of this Ordinance will be mailed upon request.

DATED this 20<sup>th</sup> day of November, 2018.

  
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CITY CLERK-TREASURER, DEBY CRAGUN