

Ordinance No. 00564

ORDINANCE NO. 564

AN ORDINANCE of the City Council of the City of Lakewood, Washington, creating Section 8.68.100 and amending Section 8.68.020 of the Lakewood Municipal Code relative to Fireworks.

WHEREAS, the Lakewood City Council recognizes the potential safety hazards inherent in the use of fireworks; and

WHEREAS, the City has historically recognized that it is in the best interest of the citizens of Lakewood to limit the hours in which fireworks may be used and sold; and

WHEREAS, it is desirable to bring the Lakewood Municipal Code in alignment with the provisions of the Washington Administrative Code (WAC), specifically WAC 212-17-21505 (7), excepting those provisions allowing for firework sales on July 5th;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON DO ORDAIN as follows:

Section 1: Lakewood Municipal Code Section 8.68.020 is amended to read as follows:

08.68.020 - General Provisions

Each of the following are hereby declared to be unlawful within the City:

- A. For any person to offer for sale, at retail or wholesale, or to sell, at retail or wholesale, any fireworks without having first obtained a permit or license to do so;
- B. For any person to possess, use or explode any dangerous fireworks or any fireworks other than those listed as being able to be sold to the public in WAC 212-17-198, except as specifically provided for public displays in this Chapter;
- C. For any person to sell, possess, use or explode any fireworks except as provided in this Chapter;
- D. For any person to sell, at retail or wholesale, or offer for sale, at retail or wholesale, any fireworks to be sold within the City ~~except from 11:00 a.m. to 9:00 p.m. on June 28th through July 4th of any year~~ 12:00 noon on June 28 through 11:00 p.m. on July 4. Fireworks may not be sold between the hours of 11:00 p.m. and 9:00 a.m. from June 28 through July 3.
- E. For any person to use, discharge or explode any fireworks in a negligent or reckless manner or during a period other than from 11:00 a.m. to 11:00 p.m. from July 3 through July 5th of any year and from 11:00 p.m. December 31 to 1:00 a.m. January 1.
 1. For purposes of this section, "negligent manner" means in a manner which endangers or is likely to endanger persons, animals or property.
 2. "Reckless manner" means in a manner with willful and wanton disregard for the safety of persons, animals or property.
- F. For any person to sell, at retail or wholesale, or to offer for sale, at retail or wholesale, fireworks to any person under the age of sixteen (16) years of age. It shall be the responsibility of any seller of fireworks to obtain and/or require proof of age of any customer at the time of purchase, which proof requirement may be satisfied by inspecting the customer's valid Washington State Photo Driver's License or valid Washington State Photo Identification Card or the equivalent thereof issued by another state or jurisdiction.
- G. For any person under the age of sixteen (16) years of age to possess or to discharge any fireworks within the City without direct supervision of his/her parent or guardian.
- H. In addition, it shall be unlawful for any person to use, discharge or explode any type of firework in any manner on any school grounds or park located within the City of Lakewood or in any city rights-of-way.

Section 2: A new provision, Lakewood Municipal Code, 8.68.100 is created to read:

08.68.100 - Savings

If any portion of Section 8.68.020 is held invalid, upon the determination of invalidity, Section 08.68.020 Lakewood Municipal Code shall revert to that version which existed prior to the amendment set forth in Ordinance 564 (to wit: Ordinance 416 § 1 (part), 2006).

Section 3. Severability. If any portion of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 4: This Ordinance shall be in full force and effect thirty (30) days after publication of the Ordinance Summary.

ADOPTED by the City Council this 20th day of May, 2013.

CITY OF LAKEWOOD

Don Anderson, Mayor

Attest:

Alice M. Bush, MMC, City Clerk

Approved as to Form:

Matthew S Kaser, Acting City Attorney