CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO.O2004-146

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, AMENDING SAMMAMISH MUNICIPAL CODE SECTION 8.10.150 TO MAKE THE DISCHARGE OF CERTAIN FIREWORKS A CIVIL INFRACTION; AND REPEALING SAMMAMISH MUNICIPAL CODE SECTION 8.10.060

WHEREAS, the State of Washington regulates the sale, discharge, and display of fireworks by means of RCW Chapter 70.77, which authorizes local governments to adopt local fireworks regulations; and

WHEREAS, Chapter 8.10 of the Sammamish Municipal Code ("SMC") is such a local regulation; and

WHEREAS, RCW Chapter 70.77 allows for both civil and criminal enforcement of fireworks regulations; and

WHEREAS, SMC 8.10.150 currently makes all violations of the City’s fireworks regulations a criminal misdemeanor; and

WHEREAS, the City Council finds that imposing a civil infraction, rather than a criminal misdemeanor, is a more appropriate penalty for the discharge of legal fireworks at times not authorized under City Code, and would allow for more efficient allocation of law enforcement resources; and

WHEREAS, Ordinance No. O2000-65 originally adopted the regulations set forth in SMC Chapter 8.10; and

WHEREAS, Section 6 of Ordinance No. O2000-65 required the City’s Fire Chief or Fire Marshall, in conjunction with the Chief of Police, to conduct an ongoing study comparing firework-related injuries before and after adoption of Ordinance No. O2000-65; and

WHEREAS, Section 6 of Ordinance No. O2000-65 has been codified at SMC 8.10.060; and

WHEREAS, the City Council finds that sufficient information has been collected regarding firework-related injuries for the Council to judge the impact of Ordinance No. O2000-65,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:
Section 1. SMC 8.10.150 Amended. Sammamish Municipal Code Section 8.10.150 is hereby amended to read as follows:

8.10.150 Penalty for violations.

(1) Except as set forth below, Any person violating or failing to comply with the provisions of this chapter is guilty of a misdemeanor, and, upon conviction thereof, shall be punished as provided therefor.

(2) The discharge of legal fireworks by an individual at unauthorized times shall be a civil infraction with a penalty of $250.00 for each violation.

(3) The possession of unlawful fireworks by an individual shall be a civil infraction with a penalty of $500.00 for each violation.

(4) The discharge of unlawful fireworks by an individual shall be a civil infraction with a penalty of $1,000.00 for each violation.

(5) For purposes of this section, the term “individual” means a natural person and excludes any firm, partnership, joint venture, association, concern, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.

Section 2. SMC 8.10.060 Repealed. Sammamish Municipal Code Section 8.10.060 is hereby repealed.

Section 3. 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 pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.


CITY OF SAMMAMISH

[Signature]
Mayor Kathleen Huckabay
ATTEST/AUTHENTICATED:

Melanie Anderson  
Melonie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk:  May 3, 2004
First Reading:  June 1, 2004
Passed by the City Council:  June 15, 2004
Date of Publication:  June 19, 2004
Effective Date:  June 24, 2004