

**CITY OF MAPLE VALLEY**

**ORDINANCE NO. O-20-707**

**AN ORDINANCE OF THE CITY OF MAPLE VALLEY, WASHINGTON, REPEALING SECTION 8.10.040 OF THE MAPLE VALLEY MUNICIPAL CODE ENTITLED “SALE AND DISCHARGE OF FIREWORKS” AND ADDING A NEW SECTION, SECTION 9.05.385 ENTITLED “FIREWORKS” TO THE CRIMINAL CODE; PROVIDING FOR SEVERABILITY AN EFFECTIVE DATE AND CORRECTIONS.**

WHEREAS, the City of Maple Valley adopted a fireworks ban that took effect on December 15, 2016; and

WHEREAS, the fireworks ban was initially incorporated into Chapter 8.10 of the Maple Valley Municipal Code entitled “Firework Permits,” which pertained to obtaining proper permitting displaying fireworks; and

WHEREAS, because the fireworks ban sought to punish individuals for possessing, selling and using fireworks, it is more appropriate to repeal Section 8.10.040 and place the language into Chapter 9.05, the Maple Valley Criminal Code; and

WHEREAS, since the imposition of the fireworks ban, the City has determined it necessary to include those who permit the possession, sale and discharge of fireworks on their property to be held accountable as well as those who possess, sell and discharge fireworks; and

WHEREAS, in addition to the gross misdemeanor penalty associated with this crime, the City believed it necessary to allow for graduated civil monetary penalties in order to motivate behavior away from the discharge of fireworks; and

WHEREAS, the City Council would like to repeal Section 8.10.040 of the Maple Valley Municipal Code and add a new section, Section 9.05.385, into the Criminal Code;

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

Section 1: Repealer. Section 8.10.040 of the Maple Valley Municipal Code entitled “Sale and discharge of fireworks” is hereby repealed.

Section 2. New Section. A new section, section 9.05.385 entitled “Fireworks,” shall be added to the Maple Valley Municipal Code in full as follows:

**Section 9.05.385 Fireworks**

A. Definitions. The definitions of Chapter 70.77 RCW as now stated or hereinafter amended shall govern the construction of this Section, when applicable, and are hereby adopted by this reference. A copy of the same shall be kept on file in the office of the city clerk for public use and inspection. In addition, the following definitions shall apply throughout this chapter:

1. “Civil infraction” has the meaning given that term by Chapter 7.80 RCW, as now or hereafter amended, and the Infraction Rules for Courts of Limited Jurisdiction (“IRLJ”) and any local rule adopted thereto by the King County district court, as they may be now or hereafter amended.

2. “Property” shall mean real or personal property, and shall include but is not limited to, any type of residential premises including a house, apartment, condominium, or any other type of dwelling unit; any type of commercial premises; and any type of motor vehicle.

B. Possession, Sale or Discharge of Fireworks Prohibited. It is unlawful for any person to possess, sell or discharge any fireworks within the City.

C. Permitting Possession, Sale or Discharge of Fireworks Prohibited. It is unlawful for any person to possess or control property within the City with knowledge that the property is being used for the possession, sale or discharge of fireworks, without making reasonable efforts to halt or abate such use.

D. Exception: This Section does not apply to the following activities, when authorized by a State license and City permit:

1. Duly authorized public displays, as provided in RCW 70.77.290; and
2. Duly authorized use by religious organizations or private organizations or persons, as provided in RCW 70.77.311(2), if:
  - (a) Purchased from a licensed manufacturer, importer, or wholesaler;
  - (b) For use on prescribed dates and locations; and
  - (c) For religious purposes.

E. Penalty and Enforcement. A violation of any offense under this Section shall be punishable as a civil infraction for the first and second offenses and punishable as a misdemeanor for the third and subsequent offenses.

1. A civil infraction hereunder may be punished by a civil fine as follows:
  - (a) Up to two hundred fifty dollars for the first violation.
  - (b) Up to five hundred dollars for the second violation.
2. A misdemeanor hereunder may be punished by imprisonment of up to 90 days or imposition of a fine of up to \$1,000, or by both such fine and imprisonment.

Section 3. Severability. If any section, subsection, clause, sentence, or phrase of this ordinance should be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

Section 5. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

ADOPTED BY THE CITY COUNCIL AT A MEETING THEREOF ON THE 28TH DAY OF SEPTEMBER 2020.

CITY OF MAPLE VALLEY

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Sean P. Kelly, Mayor

ATTEST/AUTHENTICATED:

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Shaunna Lee-Rice, City Clerk

APPROVED AS TO FORM:

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Patricia Taraday, City Attorney

Date of Publication: October 2, 2020

Effective Date: October 7, 2020