



ORDINANCE NO. 3066

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, PROHIBITING THE SALE AND DISCHARGE OF FIREWORKS IN THE CITY; AMENDING SECTION 9.12.025 OF THE LYNNWOOD MUNICIPAL CODE; REPEALING SECTIONS 9.12.030, 9.12.040, 9.12.050, 9.12.060, 9.12.070, 9.12.100, 9.12.110, 9.12.120, 9.12.130 AND 9.12.160 OF THE LYNNWOOD MUNICIPAL CODE; ADDING A NEW SECTION 9.12.030 TO THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY AND SUMMARY PUBLICATION.

WHEREAS, the State Fireworks Law, Chapter 70.77 RCW, permits the sale and purchase of certain fireworks from June 28 through July 5 and from December 27 through December 31 each year, and also permits the discharge of certain fireworks during designated times from June 28 through July 5 and from December 31 through January 1 each year; and

WHEREAS, the City has the authority to adopt regulations on the sale, purchase, discharge and use of fireworks that are more restrictive than the state law; and

WHEREAS, in Chapter 9.12 LMC, the City Council previously adopted regulations for restrictions on the purchase, sale, discharge and use of fireworks in the City; and

WHEREAS, numerous local jurisdictions have prohibited the sale, purchase, discharge and use of fireworks within their jurisdiction, including a number of jurisdictions that are adjacent to the City or that are in Snohomish County; and

WHEREAS, the purchase, sale, possession, discharge and use of fireworks in the City presents a threat to the public health, safety and general welfare in the City; and

WHEREAS, the City Council has determined that it is in the best interests of the City and the City's residents to prohibit the sale, purchase, discharge and use of certain fireworks within the City;

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

Section 1. Section 9.12.025 of the Lynnwood Municipal Code is amended to read as follows:

State statutes and regulations adopted by reference.

The following statutes as now or hereafter amended, are adopted by reference as and for a portion of the fireworks provisions of this city as if set forth in full herein:

RCW

70.77.255(1),

(2) and (3)

Acts prohibited without appropriate license.

70.77.260(2)

Application for public display permit.

70.77.285

Public display permit – Bond or insurance for liability.

70.77.295

Public display permit – Amount of bond or insurance.

70.77.435

Seizure of fireworks.

70.77.485

Unlawful possession of fireworks.

70.77.488

Unlawful discharge or use of fireworks.

Section 2. Sections 9.12.030, 9.12.040, 9.12.050, 9.12.060, 9.12.070, 9.12.100, 9.12.110, 9.12.120, 9.12.130 and 9.12.160 of the Lynnwood Municipal Code are repealed.

Section 3. A new Section 9.12.030 is added to the Lynnwood Municipal Code as follows:

9.12.030 Purchase, Sale, Discharge and Use of Fireworks Prohibited.

- A. It is unlawful for any person, firm or corporation to purchase, sell or manufacture any fireworks within the city.
- B. Except as authorized by state license and city permit granted pursuant to RCW 70.77.260(2) (public display) or RCW 70.77.311(2) (use by group or individual for religious or other specific purpose on approved date and at an approved location), it is unlawful for any person, firm or corporation to engage in the retail sale of, or to sell, possess, store, use, transfer, discharge or explode any fireworks of any kind in the city.
- C. This chapter does not prohibit the use of flares or fuses in connection with the operation of motor vehicles, railroads, or other transportation agencies for signal, warning or illumination purposes.

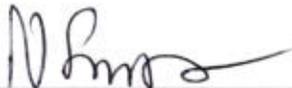
Section 4. Effective Date. In accordance with RCW 70.77.250(4), this Ordinance shall take effect and be in full force one year after its adoption; provided that this date is at least five days after its publication.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this Ordinance.

Section 6. Summary Publication. Publication of this Ordinance shall be by summary publication consisting of the ordinance title.

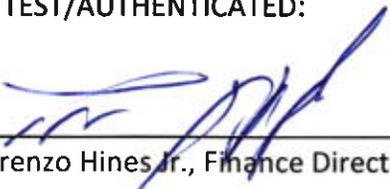
PASSED BY THE CITY COUNCIL this 16th day of June, 2014, and signed in authentication of its passage this 17th day of June, 2014

APPROVED:



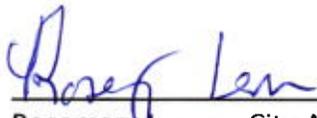
Nicola Smith, Mayor

ATTEST/AUTHENTICATED:



Lorenzo Hines Jr., Finance Director

APPROVED AS TO FORM:



Rosemary Larson, City Attorney

FILED WITH ADMINISTRATIVE SERVICES: 06/03/2014
PASSED BY THE CITY COUNCIL: 06/16/2014
PUBLISHED: 06/19/2014
EFFECTIVE DATE: 06/19/2015
ORDINANCE NUMBER: 3066



On the 16th day of June, 2014, the City Council of the City of Lynnwood, Washington, passed Ordinance No. 3066. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, PROHIBITING THE SALE AND DISCHARGE OF FIREWORKS IN THE CITY; AMENDING SECTION 9.12.025 OF THE LYNNWOOD MUNICIPAL CODE; REPEALING SECTIONS 9.12.030, 9.12.040, 9.12.050, 9.12.060, 9.12.070, 9.12.100, 9.12.110, 9.12.120, 9.12.130 AND 9.12.160 OF THE LYNNWOOD MUNICIPAL CODE; ADDING A NEW SECTION 9.12.030 TO THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY AND SUMMARY PUBLICATION.

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

DATED this 19th day of June, 2014.



Lorenzo Hines Jr., Finance Director



LYNNWOOD
WASHINGTON

CERTIFICATE

I, the undersigned, Lorenzo Hines Jr., the duly appointed City Clerk of the City of Lynnwood, Washington, hereby certify that the Ordinance hereto attached is a full, true and correct copy of Ordinance No. 3066 of the City of Lynnwood, Washington, entitled as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, PROHIBITING THE SALE AND DISCHARGE OF FIREWORKS IN THE CITY; AMENDING SECTION 9.12.025 OF THE LYNNWOOD MUNICIPAL CODE; REPEALING SECTIONS 9.12.030, 9.12.040, 9.12.050, 9.12.060, 9.12.070, 9.12.100, 9.12.110, 9.12.120, 9.12.130 AND 9.12.160 OF THE LYNNWOOD MUNICIPAL CODE; ADDING A NEW SECTION 9.12.030 TO THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY AND SUMMARY PUBLICATION.

That said ordinance was passed by the Council on June 16, 2014 of said City and was published and posted according to law; that said ordinance was duly published in the official newspaper of said City on June 19, 2014.


Lorenzo Hines, Jr., City Clerk of the
City of Lynnwood, Washington