Ordinance No. 3168

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

CONO=0122 – Police/Fire Departments
Passed – 5/17/1994
Restricting the time for sale of fireworks & Repealing Ord. 3164

Amended by Ord. 3491
Readopted, re-enacted, ratified and confirming rates & fees by Ord. 3534
Amended by Ords. 3609, 3610 (Sec. 13 05.010 & 020)
Amended by Ord. 3755 (Sec. 13 05)
ORDINANCE NO. 3168

AN ORDINANCE of the City of Kent, Washington, restricting the time for sale of fireworks, limiting the time for discharge of fireworks and repealing Ordinance No. 3164.

WHEREAS, the Kent City Council adopted Ordinance No. 3164 restricting the sale and discharge of fireworks within the City of Kent; and

WHEREAS, pursuant to RCW 70.77.395 and pursuant to the Washington Supreme Court decision, Brown v. Yakima, 116 Wn.2d 556 (1991), the City has the authority to restrict the sale and discharge of fireworks; and

WHEREAS, the Kent City Council adopted Ordinance No. 3164 restricting the sale and discharge of fireworks within the City of Kent; and

WHEREAS, pursuant to RCW 70.77.395, common fireworks may only be sold or discharged between the hours of 9:00 a.m. and 11:00 p.m. on the days authorized for sale or discharge, and Ordinance No. 3164 allows the discharge of fireworks until 12:00 midnight, which inconsistency in hours should be corrected and clarified;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Recitals Incorporated. The foregoing recitals are by this reference incorporated herein and made a part hereof.
Section 2. Repealed. Ordinance No. 3164 restricting the sale and discharge of fireworks, adopted by the Kent City Council on May 3, 1994, is hereby repealed in its entirety.

Section 3. New Section. The following new section 13.05.005 shall be added to the Kent City Code:

Sec. 13.05.005. Sale and discharge of fireworks.

Except as may be provided in Section 70.77.311 of the Revised Code of Washington, no common fireworks shall be sold within the municipal limits of the City of Kent except from 12:00 noon on the twenty-eighth day of June to 11:00 p.m. on the fourth day of July between the hours of 9:00 a.m. and 11:00 p.m. No common fireworks may be discharged at any time except between the hours of 9:00 a.m. and 11:00 p.m. on the fourth day of July.

Section 4. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 5. Effective Date. This ordinance shall take effect and be in force thirty (30) days from the time of its final approval and passage as provided by law.

JIM WHITE, MAYOR
ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED the 17 day of May, 1994.
APPROVED the 18 day of May, 1994.
PUBLISHED the 20 day of May, 1994.

I hereby certify that this is a true and correct copy of Ordinance No. 3168, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent hereon indicated.

BRENDA JACOBER, CITY CLERK

FIREWRKS.ord