

ORDINANCE NO. 754-15

AN ORDINANCE OF THE CITY OF EVERSON AMENDING THE EVERSON MUNICIPAL CODE TO ADD ADDITIONAL RESTRICTIONS TO THE USE AND/OR DISCHARGE OF FIREWORKS; AMENDING EVERSON MUNICIPAL CODE SECTION 8.12; TEMPORARILY REPEALING A SPECIFIC PORTION OF EMC 8.12.020 (2); ADOPTING A NEW SECTION 8.12.025; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has previously adopted fireworks regulations consistent with Chapter 70.77 RCW providing for, among other regulatory restrictions on the use and discharge of fireworks; and

WHEREAS, the use of fireworks during periods of dry weather increases the risk of fire and injury, death, and damage of property if not regulated and controlled; and

WHEREAS, the City is presently experiencing a significant dry season with substantially increased fire danger; and

WHEREAS, the City Council having been advised by the City Fire Marshall, and the Fire Chief for Whatcom County Fire District No. 1 that increased restrictions are necessary to limit and reduce the risk of damage and injury to people and property; and

WHEREAS, due to the extreme fire danger existing within the City, immediate and urgent action by the City Council is necessary prior to the July 4th holiday weekend to reduce the risk of harm to people and property (both public and private) from the use of fireworks; and

WHEREAS, EMC 8.12.020 has adopted by reference the restrictions on the use and discharge of fireworks as set forth in RCW 70.77.395, and the City Council seeks to adopt more restrictive regulations and limitations on the use and discharge of fireworks within the City limits; and

WHEREAS, the adoption of this Ordinance is not an action under the State Environmental Policy Act (SEPA) requiring environmental review under SEPA because it does not control the use or modification of the environment; and

WHEREAS, nothing in this Ordinance is intended to be less restrictive than the restrictions provided for in Chapter 70.77 RCW.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EVERSON, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Temporary Repeal of EMC 8.12.020(2). Effective only for the year of 2015, the Everson Municipal Code Section 8.12.020 (2) is repealed to delete the reference to and incorporation of RCW 70.77.395.

Section 2. New Temporary Regulations - EMC 8.12.025. Effective for the year of 2015 only, the City Council adopts the following new section of EMC 8.12.025 as follows:

Consumer fireworks may only be used or discharged between the hours of nine o'clock a.m. and eleven o'clock p.m. on the 3rd of July, and on July 4th between the hours of nine o'clock a.m. and twelve o'clock midnight, and between the hours of nine o'clock a.m. and eleven o'clock p.m. on July 5th, and from six o'clock p.m. on December 31st until one o'clock a.m. on January 1st of the subsequent year, and as provided in RCW 70.77.311.

Section 3. Expiration Date. This Ordinance shall expire at midnight of December 31, 2015, such that EMC 8.12.020(2) as it existed prior to the adoption of this Ordinance, shall be adopted and part of the Everson Municipal Code.

Section 4. No Amendment of Other Provisions of EMC 8.12. All other provisions of EMC 8.20 not amended by this Ordinance shall remain in full force and effect.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this Ordinance, except that if Section 2 above is determined to be invalid or unconstitutional, then this entire Ordinance shall be determined to be of no effect.

Section 6. Effective Date. This ordinance is considered an emergency ordinance, and shall take effect and be in force immediately upon its passage, approval, and publication as required by law.

Section 7. This Ordinance shall expire on December 31, 2015.

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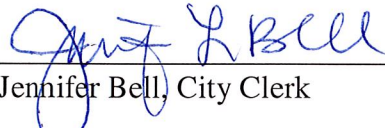
PASSED by the City Council and approved by the Mayor of the City of Everson, Washington this 23rd day of June, 2015.

CITY OF EVERSON, WASHINGTON



John Perry, Mayor

Attested/Authenticated:



Jennifer Bell, City Clerk

Approved as to Form:

Jon Sitkin, City Attorney

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