

# CITY OF MORTON, WASHINGTON

## ORDINANCE NO. 2021-06

**AN ORDINANCE OF THE CITY OF MORTON, WASHINGTON, PROHIBITING THE DISCHARGE OF FIREWORKS WITHIN THE CORPORATE CITY LIMITS; DECLARING AN EMERGENCY; AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.**

### **RECITALS:**

WHEREAS, the City of Morton, Washington (the "City") is a Code City under the laws of the State of Washington; and

WHEREAS, pursuant to Chapter 35A.11.020 RCW, the City may adopt and enforce ordinances of all kinds relating to and regulating the City's local or municipal affairs and appropriate to the good government of the City; and

WHEREAS, Chapter 70.77 RCW, the State Fireworks Law, governs the purchase, sale, and discharge of fireworks; and

WHEREAS, all references herein to "MMC" shall mean the "Morton Municipal Code," and

WHEREAS, Chapter 8.04 MMC is entitled "FIREWORKS"; and

WHEREAS, MMC 8.04.010 allows for the discharge of fireworks only on July 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup>, and also on December 31<sup>st</sup> and January 1<sup>st</sup>; and

WHEREAS, the National Weather Service has issued an excessive heat warning; and

WHEREAS, the State of Washington and the City of Morton have experienced unusually high temperatures this year; and

WHEREAS, the State of Washington is currently in an early drought season; and

WHEREAS, Lewis County is at high risk of forest and other fires; and

WHEREAS, the Council finds it necessary to ban the discharge of consumer fireworks within the Corporate City limits due the weather conditions, high fire danger, and extensive and dry fuel sources; and

WHEREAS, the Council finds that in order to protect the health, safety, and welfare of the public, it is necessary declare an emergency and enact the ordinance herein.

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

**Section 1. Emergency.** An emergency exists which requires immediate action necessary for the preservation of public health, safety, welfare, public property, and the public peace.

**Section 2. Prohibiting the Discharge of Consumer Fireworks.** No person shall discharge any consumer firework within the corporate City limits of the City of Morton, Washington, on

July 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, or 4<sup>th</sup>. This Ordinance does not prohibit discharge of fireworks on December 31<sup>st</sup> or January 1<sup>st</sup>.

**Section 3. Enforcement.** Law Enforcement personnel are authorized to (a) confiscate any and all consumer fireworks from any person in violation of this ordinance; and (b) issue a civil infraction for a violation of this emergency ordinance.

**Section 4. Penalties.** In addition to any other penalty provided by law, any person violating any of the provisions of this ordinance shall be guilty of a civil infraction and subject to a penalty of up to two hundred fifty dollars (\$250.00). Each occurrence of noncompliance shall constitute a separate violation.

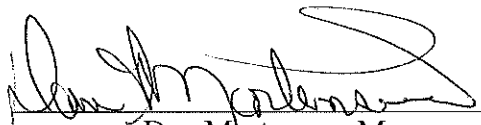
**Section 5. Expiration.** This ordinance shall automatically expire on July 5, 2021, at 12:01 am.

**Section 6. Severability.** If any section, sentence, clause, or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

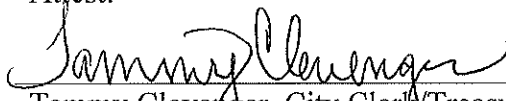
**Section 7. Effective Date.** The City Council having declared an emergency exists which requires immediate action necessary for the preservation of public health and safety, public property, and the public peace, this ordinance shall take effect and be in full force immediately upon passage if passed by a majority of the City Council plus one. This Ordinance will automatically be repealed if state law preempts the subject matter contained herein with enactment of applicable legislation.

**Section 8. Corrections.** The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbers, section/subsection numbers, and any references thereto.

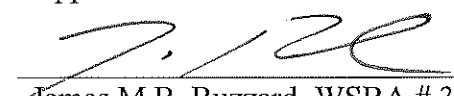
**PASSED** by the Council of the City of Morton, Washington, by a majority of the Council plus one, and **APPROVED** by the Mayor of the City of Morton, at a regularly scheduled open public meeting thereof, this 28th day of June, 2021.

  
Dan Mortensen, Mayor

Attest:

  
Tammy Cleverger, City Clerk/Treasurer

Approved as to form:

  
James M.B. Buzzard, WSBA # 33555  
City Attorney

Approved Reading:	<u>06/28/2021</u>
Publication Date:	<u>06/ /2021</u>
Effective Date:	<u>06/28/2021</u>