

**ORDINANCE NO. 1537**

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON** relating to fireworks, amending DMMC 9.42.030 and 9.42.130, and classifying violations of chapter 9.42 DMMC as class 1 civil infractions.

**WHEREAS**, RCW 70.77.547 allows for the civil enforcement of fireworks regulations, and

**WHEREAS**, the illegal possession or discharge of fireworks in the City of Des Moines has previously been classified as a criminal misdemeanor, and

**WHEREAS**, the officer time and effort involved in criminally citing an individual who violates this chapter can be burdensome as firework violations typically occur on busy holidays, and

**WHEREAS**, citing an individual civilly creates a lower burden of proof and reduces the requirements to write extensive reports, thereby reducing officer time involved with addressing firework violations, and

**WHEREAS**, the Council finds that a class 1 civil infraction imposes a significant and sufficient penalty on an individual who violates this chapter; now therefore,

**THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:**

**Sec. 1.** DMMC 9.42.030 and section 3 of Ordinance No. 1362 are amended to read as follows:

**Fireworks prohibited.** Except as authorized by a permit for the public display of fireworks, as defined in RCW 70.77.160, or for religious purposes as authorized by RCW 70.77.311(2), no person, firm or corporation shall manufacture, possess, sell, store, ignite, explode or discharge any fireworks or firecrackers within the City limits of the City of Des Moines. The manufacture, possession, sale, discharge or storage of five (5) pounds or more of fireworks or firecrackers is a misdemeanor.

**Sec. 2.** DMMC 9.42.130 and section 13 of Ordinance No. 1362 are amended to read as follows:

**Penalties.**

(1) Unless otherwise noted, a violation or failure to comply with any part of this chapter is a class 1 civil infraction. Any person who violates any portion of this chapter shall be subject to having their fireworks confiscated as provided in RCW 70.77.435.

(2) A person is guilty of a separate offense for each action which violates any provision of, or any order, rule, or regulation made pursuant to this chapter.

(3) Civil proceedings to enforce this chapter may be brought in the City of Des Moines Municipal Court or in the Superior Court for King County.

**Sec. 3. Severability - Construction.**

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this Ordinance is deemed to control.

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**Sec. 4. Effective date.** This ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.

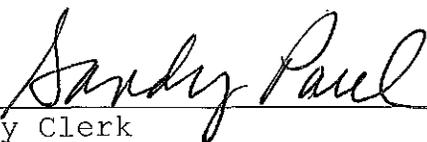
**PASSED BY** the City Council of the City of Des Moines this 12th day of April, 2012 and signed in authentication thereof this 12th day of April, 2012.

  
MAYOR

APPROVED AS TO FORM:

  
Assistant City Attorney

ATTEST:

  
City Clerk

Effective Date: May 12, 2012

Published: April 18, 2012

LEGAL NOTICE  
SUMMARY OF ADOPTED ORDINANCE  
CITY OF DES MOINES

ORDINANCE NO. 1537, Adopted April 12, 2012

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance relates to fireworks, amends DMMC 9.42.030 and 9.42.130, and classifies violations of chapter 9.42 DMMC as class 1 civil infractions.

The full text of the ordinance will be mailed without cost upon request.

Sandy Paul, CMC  
City Clerk

Published: April 18, 2012