

ORDINANCE NO. 1562

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to fireworks, adding and codifying new sections to chapter 9.42 DMMC to define sky lanterns and to prohibit their use in the City, and establishing an effective date.

WHEREAS, chapter 9.42 DMMC, *Fireworks, Prohibitions and Permits*, prohibits the sale, use, and discharge of fireworks except for in limited circumstances, and

WHEREAS, sky lanterns create a danger to the public health, safety, and general welfare because they have an unpredictable flight path and can travel several miles before landing with the potential of starting a fire if they land on combustible materials while their fuel cell is still burning, and

WHEREAS, sky lanterns do not meet the definition of a firework and thus are not prohibited by DMMC 9.42.030 nor are they subject to RCW 70.77.250(4) which requires city ordinances more restrictive than state law regarding fireworks to have an effective date of one year after adoption, and

WHEREAS, the City Council finds that prohibiting sky lanterns and similar devices reduces the risk of fire danger to the citizens of Des Moines and the surrounding areas and is in the public interest, now therefore;

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

Sec. 1. A new section shall be added to chapter 9.42 DMMC, *Fireworks, Prohibitions and Permits*, to read as follows:

Sky lantern defined. "Sky lantern" means an airborne lantern typically made of paper with a wood or wire frame containing a candle, fuel cell composed of waxy flammable material or other open flame which serves as a heat source to heat the air inside the lantern to cause it to lift into the air.

Sec. 2. A new section shall be added to chapter 9.42 DMMC, *Fireworks, Prohibitions and Permits*, to read as follows:

Use of sky lanterns and similar devices unlawful. It is unlawful for any person to use, discharge, launch or ignite within the City any sky lantern or unmanned free-floating device which requires fire underneath to propel and which is not moored to the ground while aloft.

Sec. 3. Codification. Sections 2 and 2 of this Ordinance shall be codified as new sections in chapter 9.42 DMMC.

Sec. 4. 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.

Sec. 5. Effective date. This ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.

PASSED BY the City Council of the City of Des Moines this 28th day of February, 2013 and signed in authentication thereof this 28th day of February, 2013.


MAYOR

APPROVED AS TO FORM:


Assistant City Attorney

ATTEST:


City Clerk

Published: March 5, 2013

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1562, Adopted February 28, 2013.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance relates to fireworks, adds and codifies new sections to chapter 9.42 DMMC to define sky lanterns and to prohibit their use in the City, and establishes an effective date.

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

Bonnie Wilkins
City Clerk

Published: March 5, 2013