

CITY COUNCIL WORKSHOP MEETING AGENDA



City of Lake Stevens Vision Statement

By 2030, we are a sustainable community around the lake with a vibrant economy, unsurpassed infrastructure and exceptional quality of life.

March 5, 2024 - 6:00 PM

In Person: The Mill, Sawyers Room, 1808 Main Street, Lake Stevens
or Join Zoom Meeting: <https://lakestevenswa.zoom.us/j/89821659656>
or call in at (253) 215-8782 Meeting ID 898 2165 9656

- 1. Call to Order**
- 2. Guest Business**
 - A. Oath of Office for Police Officer Fenton Jeffrey Beazizo
- 3. Discussion Items**
 - A. Ordinance 1180 - Fireworks Greg Rubstello
- 4. Executive Session - Confidential Session of the Council**
 - A. Discussion of Potential Litigation per RCW 42.30.110 1 (i).
- 5. Adjourn**

THE PUBLIC IS INVITED TO ATTEND

The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact Human Resources, City of Lake Stevens ADA Coordinator, (425) 622-9400, at least five business days prior to any City meeting or event if any accommodations are needed. For TDD users, please use the state's toll-free relay service, (800) 833-6384, and ask the operator to dial the City of Lake Stevens City Hall number.

NOTICE: All proceedings of this meeting are audio recorded, except Executive Sessions.

CITY COUNCIL STAFF REPORT



Agenda Date: 3/5/2024

Subject: Ordinance 1180 - Fireworks

Contact Person/Department: Greg Rubstello, Administration

Budget Impact:

Legal Review: Yes

RECOMMENDATION(S)/ACTION REQUESTED:

Discuss Proposed Ordinance 1160.

SUMMARY/BACKGROUND:

The City Council at its recent retreat discussed the City fireworks regulations. Staff was requested to bring back a draft ordinance restricting the use, discharge, and possession of consumer fireworks on City property in addition to parks, including the right-of-way. The City Attorney has drafted an ordinance for council consideration. The ordinance prohibits the use and discharge of consumer fireworks on all city property and the possession of consumer fireworks on all city property excepting the public right-of-ways. The ordinance also revises the penalty section of chapter 9.64 to allow for both civil and criminal enforcement and penalties.

APPLICABLE CITY POLICIES:

ATTACHMENTS:

1. Draft Ordinance

ORDINANCE NO. 1180

**AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON
AMENDING CHAPTERS 9.64 AND 10.03 OF THE LAKE STEVENS MUNICIPAL
CODE ("LSMC") IN REGARD TO THE USE, DISCHARGE AND POSSESSION
OF CONSUMER FIREWORKS IN PUBLIC PLACES; PROVIDING FOR THE
MAKING OF CORRECTIONS, SUMMARY PUBLICATION BY ORDINANCE
TITLE ONLY, AND FOR AN EFFECTIVE DATE.**

WHEREAS, the use and discharge of consumer fireworks on public property within and without the dates and times permitted under Chapter 9.64 of the LSMC for the use of consumer fireworks within the City of Lake Stevens is a cause of expenses for maintenance, endangers public facilities and the public, and may result in disturbance to the public using and owning property adjacent and near to the public property; and

WHEREAS, the City Council has determined it in the public interest to impose restrictions on the use, discharge and possession of consumer fireworks on all real property within the City of Lake Stevens in which the City has an ownership interest and to revise the enforcement and penalties under Chapter 9.64 LSMC,

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

Section 1. Lake Stevens Municipal Code ("LSMC") Chapter 9.64 FIREWORKS is hereby amended as follows:

1.1 New section 9.64.035 LIMITING USE, DISCHARGE AND POSSESSION ON PUBLIC PROPERTY is added to Chapter 9.64 to read as follows:

No person shall use or discharge consumer fireworks at any time on real property in which the City of Lake Stevens has any ownership interest, whether the property is developed or undeveloped with infrastructure or improvements of any kind, including public right of way. Neither shall any person possess, at any time, consumer fireworks on any such public property, excepting public right of way.

2.2 LSMC Section 9.40.010 VIOLATION AND PENALTY is hereby amended (deletions shown by ~~strikeout~~ and additions by underline) to read as follows:

~~Unless otherwise provided, any person convicted of violating the provisions of this chapter shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$1,000 or by imprisonment in jail for a term not to exceed 90 days, or both such fine and imprisonment.~~ Failure to comply with any provision of this chapter or violation of any provision of this chapter is subject to enforcement under Title 17, "Uniform Enforcement Code," including civil enforcement penalties in Chapter 17.60 and criminal penalties in Chapter 17.90.

Section 2 Section 10.03.100 FIREARMS, PROJECTILES AND EXPLOSIVES is hereby amended (deletions shown by ~~strikeout~~ and additions by underline) to read as follows:

No person shall shoot, fire or explode ~~any fireworks, firecrackers, torpedoes, or~~ explosives of any kind or throw any projectiles, or shoot or fire any firearm, air gun, bow and arrow, BB gun, or use any slingshot on any park properties except a law enforcement officer in the line of duty. The prohibition against the use, discharge, and possession of consumer fireworks on city owned properties, including park properties is set forth in section 9.64.035 of this code. The Director may issue a permit for the purpose of conducting a public fireworks display under RCW 70.77.260. The permit must meet the requirements of Section 9.64.030, Public Display of Fireworks.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 4. Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing or ordinances or their sections and subsections.

Section 5. Effective Date. This ordinance may be published by Summary Publication and shall become effective five days after passage and summary publication by ordinance title only.

PASSED by the City Council and APPROVED by the Mayor this __ day of March 2024.

CITY OF LAKE STEVENS

Brett Gailey, Mayor

ATTEST:

Kelly Chelin, City Clerk

APPROVED AS TO FORM:

Greg Rubstello, City Attorney

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Date of publication: _____

Effective Date (5 days after publication): _____