

ORDINANCE NO. 61-92

A PUBLIC EMERGENCY ORDINANCE RELATING TO FIREWORKS; LIMITING THE DISCHARGE OF FIREWORKS TO JULY 4, ONLY IN THE CALENDAR YEAR 1992 AND LIMITING THE SALE OF FIREWORKS TO THE PERIOD OF JUNE 28 THROUGH JULY 4, ONLY IN CALENDAR YEAR 1992

This statute is designed to reflect areas exclusive of areas within the City of Shelton limits.

WHEREAS, the Board of Commissioners of Mason County recognizes that the winter of 1991/92 and the spring of 1992 has resulted in unusually dry conditions in Mason County; and

WHEREAS, the Board of Commissioners recognizes that there are inordinately high risks to public health and safety within Mason County due to drought conditions and to the higher fire hazards in the late spring and the foreseeable remaining months of 1992; and

WHEREAS, it is necessary for the public health, safety and welfare to regulate, prevent and prohibit conditions which may increase fire hazards and other safety and health hazards, and which generally create a menace to the health and welfare of the public;

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF MASON COUNTY, STATE OF WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. The ignition or discharge of fireworks within Mason County is prohibited during the calendar year 1992 except between the period from 6:00 p.m. on July 3, 1992 and 11:00 p.m. on July 4, 1992.

Section 2. Mason County prohibits the sale of any fireworks within the county limits prior to 12:00 p.m. on June 28, 1992, or after 11:00 p.m. on July 4, 1992.

Section 3. Unlawful discharge of fireworks.

- a) A person is guilty of unlawful discharge of fireworks if the person discharges fireworks during any time prohibited by this ordinance.
- b) Unlawful discharge of fireworks is an infraction. The first offense under this section is punishable by a \$100.00 fine. Second or subsequent offenses under this section are punishable by up to a \$500.00 fine.

Section 4. Criminally negligent discharge of fireworks.

- a) A person is guilty of criminally negligent discharge of fireworks if the person discharges fireworks in a manner which demonstrates failure to be aware of a substantial risk and his failure to be aware of such substantial risk constitutes a gross deviation from the standard of care that a reasonable man would exercise in the same situation.
- b) Criminally negligent discharge of fireworks is a misdemeanor and upon conviction shall be punishable by a fine of not more than One Thousand Dollars (\$1,000) and by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

Section 5. Reckless discharge of fireworks.

- a) A person is guilty of reckless discharge of fireworks if the person knows of and disregards a substantial risk that harm to persons or property may occur and his disregard of such substantial risk is a gross deviation from conduct that a reasonable man would exercise in the same situation.
- b) Reckless discharge of fireworks is a gross misdemeanor and upon conviction shall be punishable by a fine of not more than Five Thousand Dollars (\$5000) and by imprisonment for not more than One Year, or by both such fine and imprisonment.

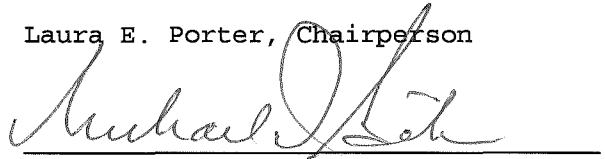
Section 6. The Board of Commissioners of Mason County finds an emergency exists and that this ordinance is necessary for the protection of the public health and safety and the immediate preservation of public peace and shall be published and become effective as provided by law.

Section 7. This ordinance is enforceable by any and all law enforcement officer(s) or officer(s) of Federal, State, County, City law enforcement agencies.

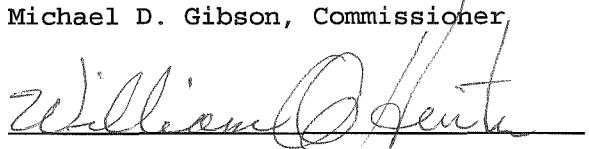
ADOPTED this 24th day of June, 1992.



Laura E. Porter, Chairperson

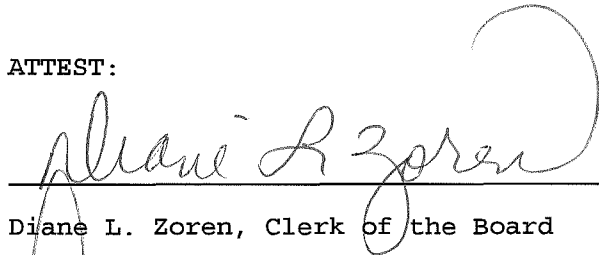


Michael D. Gibson, Commissioner



William O. Hunter, Commissioner

ATTEST:



Diane L. Zoren, Clerk of the Board



(Deputy) Prosecuting Attorney # 14302 ^{NSBA}