

ORDINANCE 2012 - 20

AN ORDINANCE OF THE CITY OF SUNNYSIDE, WASHINGTON,
AMENDING SECTION 5.42.040 OF THE
SUNNYSIDE MUNICIPAL CODE
PERTAINING TO FIREWORKS
(Violations - Penalties)



WHEREAS, pursuant to Chapter 35A.12 of the Revised Code of Washington, the City Council is charged with the legislative authority of the City of Sunnyside; and

WHEREAS, Chapter 5.42 of the Sunnyside Municipal Code prohibits the manufacture, possession, storing, sale, use or discharge of any fireworks within the city limits of the City of Sunnyside and all districts except by special permit; and

WHEREAS, the City Council has determined that it is in the best interest of the residents of the City of Sunnyside, and will promote the general health, safety and welfare, to revise Title 5.42 of the Sunnyside Municipal Code to clarify that violation of the fireworks ordinance of the Sunnyside Municipal Code will be a civil infraction punishable by a penalty of up to \$1,000.

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

Section 1. Section 5.42.040 Violations - Penalties of the Sunnyside Municipal Code which reads as follows:

5.42.040 Violations – Penalties.

Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of the provisions of the code is committed, continued, or permitted, and upon conviction of such violation, such person, firm or corporation shall be subject to punishment by a fine of not more than \$5,000, or by imprisonment for not more than one year, or both such fine and imprisonment.

Is hereby amended to read as follows:

5.42.040 Violations – Penalties.

Any person, firm or corporation violating the provisions of this chapter shall be guilty of a civil infraction and shall be punished by a civil penalty of not more than \$1,000 and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of the provisions of the code is committed, continued, or permitted, and upon finding of guilty of

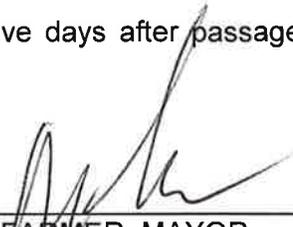
such violation, such person, firm or corporation shall be subject to assessment of a penalty of not more than \$1,000.

The court may waive, reduce, or suspend the monetary penalty prescribed for the civil infraction. If the court determines that a person has insufficient funds to pay the monetary penalty, the court may order performance of a number of hours of community restitution in lieu of a monetary penalty, at the rate of the then state minimum wage per hour.

Section 2. Except as amended herein, Title 5 of the Sunnyside Municipal Code shall remain unchanged.

Section 4. This ordinance shall be effective five days after passage, approval and publication as required by law.

PASSED this 24th day of September, 2012.



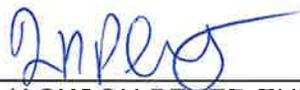
MIKE FARMER, MAYOR

ATTEST:



DELILAH SAENZ, CITY CLERK

APPROVED AS TO FORM:



MENKE JACKSON BEYER EHLIS HARPER & PLANT, LLP
Attorneys for the City of Sunnyside