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ORDINANCE NO. 29

AN ORDINANCE OF THE CITY OF WOODINVILLE,
WASHINGTON, REGULATING THE SALE, DISCHARGE AND
PUBLIC DISPLAY OF FIREWORKS.

WHEREAS, Chapter 70.77 RCW authorizes the City to regulate the sale, discharge and public display of fireworks within the City, and

WHEREAS, the City Council deems it to be in the best interests of the public health, safety and welfare that fireworks be regulated, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON,
DO ORDAIN AS FOLLOWS:

Section 1. Definitions. The definitions of RCW Chapter 70.77 as now stated or hereinafter amended shall govern the construction of this ordinance, when applicable. RCW 70.77.120 through and including RCW 70.77.230 as now stated or hereinafter amended are adopted by this reference as if fully set forth and a copy of the same shall be kept on file in the office of the City Clerk for public use and inspection.

Section 2. Sale, Possession and Use of Special Fireworks Unlawful. It is unlawful for any person to sell, possess, use or explode any special fireworks within the City; provided, that this prohibition shall not apply to duly authorized public displays.

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Section 3. Permit Required for Sale or Public Display.

It is unlawful for any person to engage in the retail sale of or to sell any fireworks or to hold, conduct or engage in a public display of fireworks within the City without first having obtained and being the holder of a valid permit issued pursuant to the provisions of this ordinance.

Section 4. Application for Seller's Permit - Conditions for Issuance. Application for seller's permit shall be made to the City Clerk annually on or after April 1st of the year for which the permit is issued, and the filing period shall close on April 15th of such year, unless extended by action of the City Council, provided, that if April 15th shall fall on a Saturday, Sunday or legal holiday, then the time of filing applications for seller's permits shall run until the end of the next day which is neither a Saturday, a Sunday nor a legal holiday. Applications shall be signed before a notary public by the retail seller, if an individual, or by a duly authorized officer, if an association or corporation. It is unlawful for a fireworks manufacturer, wholesaler or supplier to make application for or to obtain a retail sales permit on behalf of any retailer. Seller's permits for the sale of fireworks shall be issued only to applications meeting the following conditions:

- A. The retailer or person in charge and responsible for the retail operation shall be over twenty-one years of age;
- B. The applicant shall have a valid and current license issued by the Washington State Fire Marshall pursuant to Chapter

ORIGINAL

70.77 RCW authorizing the holder thereof to engage in the retail sale of fireworks;

- C. The applicant shall own or have the right to possess a temporary fireworks stand complying with the requirements of this Chapter;
- D. The applicant shall procure and maintain a policy or policies of public liability and property damage insurance issued by a company or companies authorized to do business in the State of Washington in the following minimum amounts; \$500,000 for injuries to any one person in one accident or occurrence; \$1,000,000 for injuries to two or more persons in any one accident or occurrence; \$500,000 for damage to property in any one accident or occurrence; \$1,000,000 combined single limit for any one accident or occurrence. In addition, the policy shall provide for the immediate notification of the City by the insurer of any cancellation of the policy;
- E. The permit holder's location or place of business shall be only in those areas or zones within the City wherein commercial activities are authorized under applicable zoning law;
- F. The applicant shall post with the City a performance bond or cash deposit in an amount not less than \$500.00, conditioned upon the prompt removal of the temporary fireworks stand and the cleaning up of all debris from the site of the stand, which deposit shall be returned to the applicant only in the event that the applicant removes the temporary stand and cleans up all debris to the satisfaction of the proper officials of the City. In the event of the permit holder's failure to do so, the performance bond or cash deposit shall be forfeited. In no event shall the applicant be entitled to the return of the performance bond or cash deposit if the applicant has failed to remove the stand and clean up all debris

ORIGINAL

by the 10th of July following the sales period; and

- G. Only one permit shall be issued to each applicant; and
- H. No seller's permit shall be issued for a location which fails to meet the criteria set forth in this Chapter, including the minimum stand separation requirement. When necessary, in order to determine priority as to a proposed location, the earliest date and time of filing of an application for a seller's permit with the City Clerk shall be controlling.

Section 5. Sales from Stands - Exceptions. All common fireworks, except toy caps and other trick or novelty devices described in RCW 70.77.405, shall be sold and/or distributed only from temporary firework stands.

Section 6. Standards for Temporary Stands. The temporary stands of all seller's permit holders shall conform to the following minimum standards and conditions:

- A. Temporary firework stands need not comply with all provisions of the building codes; provided, however, that all such stands be erected under standards adopted by the building official. In the event any temporary stand is wired for electricity, the wiring shall conform to the electrical code;
- B. Temporary fireworks stands shall not be located within twenty-five (25) feet of any public or private street, alley, lane or any other vehicular driving surface, fifty (50) feet of any building or structure, nor within one hundred (100) feet of any gasoline dispensing pump or any tank in which flammable liquids or gases are stored. For the purposes of this section, unoccupied accessory buildings such as Goodwill pick-up sheds need not be construed as structures;

ORIGINAL

- C. Each temporary fireworks stand must have at least two exits which shall be unobstructed at all times;
- D. Each fireworks stand shall have in a readily accessible location not less than two (2) approved classification 2A fire extinguishers. No heating unit or device with a surface temperature capable of igniting fireworks or having an open flame shall be allowed within a fireworks stand;
- E. All weeds, grass and combustible material shall be cleared from the location of the temporary fireworks stand and the surrounding area a distance of not less than 25 feet, measured from the exterior walls on each side of the temporary fireworks stand;
- F. No smoking shall be permitted in or near a temporary fireworks stand or for a distance of not less than 25 feet measured from the exterior walls of the temporary fireworks stand;
- G. Fireworks may be left in fireworks stands at night providing the stand is locked and a security guard is posted. Such guard shall not stay within the fireworks stand. Fireworks removed from fireworks stands at night shall be stored in a location approved by the Fire Marshal, his representative, or the Fire Chief or the local fire district. Such storage, when approved, may be a camper, van, trailer, or shed at least fifty (50) feet from any building or place of public gathering;
- H. All unsold stock and accompanying litter shall be removed from the temporary fireworks stand by 12:00 noon on the 10th day of July of each year;
- I. Not more than one temporary fireworks stand shall be located within a radius of 1,000 feet from any other stand;

ORIGINAL

- J. No vehicle parking shall be permitted within twenty-five (25) feet of a fireworks stand, including curbside parking. The NO PARKING area shall be roped or barricaded in such a manner as to make this line a very definite and visible barrier. Such barricades may be constructed of saw horses, rope and flags, or any other arrangement creating a clear and distinct limit line. Customer parking shall be provided;
- K. No person shall discharge any fireworks within 300 feet of the exterior wall of the temporary fireworks stands and signs stating "No Discharge of Fireworks within 300 Feet" shall be posted on the exterior of all walls of the temporary fireworks stand; and
- L. Patrons shall not be permitted inside stands.

Section 7. Time Limit Set on Sale and Use. No permit holder shall offer for retail sale, expose for retail sale or sell any fireworks within the City except from 12:00 noon until 11:00 p.m. on the 28th day of June, 9:00 a.m. until 11:00 p.m. on the 29th day of June through the 3rd day of July, and from 9:00 a.m. until 11:00 p.m. on the 4th day of July of any year. Except as authorized by a state license and City of Woodinville permit granted pursuant to RCW 70.77.260(2) (public display) or RCW 70.77.311(2) (use by group or individual for religious or other specific purpose on approved date and an approved location) no person shall ignite or discharge any fireworks within the City of Woodinville except on July 4th of any year between the hours of 9:00 a.m. and 11:00 p.m.

ORIGINAL

Section 8. Application for Public Display Permit.

Application for a permit to hold, conduct or operate a public display of fireworks shall be made to the City Clerk at least one month prior to the scheduled event. The applicant shall meet all qualifications and requirements of state law regarding public display of fireworks and all fire and safety requirements set forth in the standards for public display in this ordinance.

Section 9. Standards for Public Fireworks Displays. All public fireworks displays shall conform to the following minimum standards and conditions:

- A. All public fireworks displays must be planned, organized and discharged by a State of Washington licensed pyrotechnician;
- B. A permit must be obtained from the City and approved by the City Manager prior to any display of public fireworks. The permit shall include the name of the applicant and the applicant's address; the name of the pyrotechnician and the pyrotechnician's address; the exact location, date and time of the proposed display; the number, type and class of fireworks to be displayed; the manner in which the fireworks are being stored prior to the public fireworks display; and the name and address of the insurance company providing the bond required;
- C. A drawing shall be submitted to the City showing a plan view of the fireworks discharge site and the surrounding area within a 500 feet radius. The drawing shall include all structures, fences, barricades, streets, fields, streams, and any other significant features that may be subjected to ignition or that may inhibit firefighting capabilities;

ORIGINAL

- D. Fire personnel in such numbers and with such equipment as the City Manager may determine to be necessary shall be on site 30 minutes prior to and after the public display event. The permit holder shall be required to pay all costs associated with such fire personnel and equipment;
- E. All combustible debris and trash shall be removed from the area of discharge for a distance of 300 feet in all directions;
- F. All unfired or "dud" fireworks shall be disposed of in a safe manner;
- G. A minimum of two A-rated pressurized water fire extinguishers and one fire blanket shall be required to be at the fireworks discharge site;
- H. The permit may be immediately revoked at any time deemed necessary by the City Manager or designee due to any noncompliance, or whether conditions such as extremely low humidity or wind factor. The display may also be cancelled by accidental ignition of any form of combustible or flammable material in the vicinity due to falling debris from the display; and
- I. Areas of public access shall be determined by the City Manager or designee and maintained in an approved manner.

Section 10. Permit Fees. The annual fee for a "seller's permit" for the sale of fireworks shall be \$245.00 per year for each seller's permit, payable in advance at the time of permit application. The fee for a "public display permit" for the public display of fireworks shall be \$245.00 per display, payable in advance at the time of permit application. All such fees shall be nonrefundable.

ORIGINAL

Section 11. Issuance of Permits - Nontransferable - Voidable. Each seller's permit issued under this Chapter shall be for a single retail outlet. The number of seller's permits shall not be limited as long as all standards for fireworks stands are met as provided in this Ordinance. Each seller's permit issued pursuant hereto shall be valid for only the current year, shall be used only by the designated permittee and shall be nontransferable. Each public display permit issued pursuant hereto shall be valid only for the specifically authorized public display event, shall be used only by the designated permittee and shall be nontransferable. Any transfer or authorized use of a permit is a violation of this ordinance and shall void the permit granted in addition to all other sanctions provided in this ordinance.

Section 12. Applicability and Construction. The provisions of this ordinance shall be applicable to the sales and use of all fireworks except those specifically exempted by RCW 70.77.405. This ordinance is intended to implement Chapter 70.77 RCW, and shall be construed in connection with that law and any and all rules or regulations issued pursuant thereto.

Section 13. Enforcement. The City Manager, or designee, is authorized to enforce all provisions of this ordinance and, in addition to criminal sanctions or civil remedies, may revoke any permit issued pursuant to this ordinance upon any failure or refusal of the permittee to comply with the orders and directives of the City Manager or designee, and/or to comply with any provisions of this ordinance.

ORIGINAL

Section 14. Penalty for Violations. Any person violating any of the provisions or failing to comply with any of the requirements of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$5,000, or by imprisonment for a period of not more than one year, or by both such fine and imprisonment. Each such person is guilty of a separate offense for each and every day during which any portion of which any violation of this ordinance is committed, continued or permitted by such person and shall be punished accordingly. In addition to the penalties herein above provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a public nuisance, and all remedies given by law for the prevention and abatement of nuisances shall apply thereto. Further, each day that such condition continues shall be regarded as a new and separate offense.

Section 15. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 16. Effective date. This ordinance shall be effective as of March 31, 1993, which is more than five (5) days after publication of an approved summary consisting of the title to this ordinance.

ORIGINAL

PASSED by the City Council of the City of Woodinville
this 15th day of March, 1993.

APPROVED:

Lucy DeYoung
MAYOR, LUCY DEYOUNG

ATTEST/AUTHENTICATED:

Marie O'Connell
CITY CLERK, MARIE O'CONNELL

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY Wayne Jensen

FILED WITH THE CITY CLERK: 3/11/93
PASSED BY THE CITY COUNCIL: 3/15/93
PUBLISHED: 3/22/93
EFFECTIVE DATE: 3/31/93
ORDINANCE NO. 29