

ORDINANCE NO. 235

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, RELATING TO FIREWORKS, DECLARING THE SALE, HANDLING, DISCHARGE AND DISPLAY OF FIREWORKS TO BE UNLAWFUL WITHIN THE CITY LIMITS EXCEPT FOR AUTHORIZED PUBLIC DISPLAYS, REPEALING AND REPLACING CHAPTER 8.03 OF THE WOODINVILLE MUNICIPAL CODE ENTITLED 'FIREWORKS' AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Chapter 70.77 RCW is the State law relating to the sale and use of fireworks; and

WHEREAS, notwithstanding Chapter 70.77 RCW, the State Legislature has not preempted the ability of local jurisdictions to adopt local ordinances relating to fireworks; and

WHEREAS, Chapter 70.77 RCW does not prevent a city from enacting an ordinance more prohibitive than RCW 70.77.395 as to the dates and times that fireworks may be sold and used; and

WHEREAS, this ordinance imposing a ban on the sale and use of fireworks within the City limits does not conflict with the State statute, but merely prohibits a wider scope of activity than the State statute; and

WHEREAS, RCW 70.77.250(4) provides that any local rules more restrictive than State law must have an effective date no sooner than one (1) year after adoption:

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

The City Council makes the following legislative findings:

1. The sale and use of fireworks within the City increases the risks of fires and the associated danger to public safety, public and private property.
2. Both illegal (dangerous) and legal (common) fireworks as defined in RCW 70.77.136 are types of fireworks involved in fires within the Puget Sound region.
3. A ban on the use of all fireworks within the City is rationally related to the Council legislative purpose of reducing and/or eliminating the risk of major property damage and risk to public safety which results from the sale, possession, and use of any fireworks.

Section 1. Chapter 8.03 of the Woodinville Municipal Code entitled Fireworks, is hereby repealed and replaced with the following:

Section 2. Definitions. RCW 70.77.120, through and including RCW 70.77.230 as now exist or as hereinafter amended, are adopted by this reference and a copy of such shall be kept on file in the office of the City Clerk for public use and inspection. In addition, the following term is defined:

- (1) **Dangerous Fireworks:** Any fireworks not defined as a "common fireworks" under the provisions of RCW 70.77.136.

Section 3. Sale of Fireworks Unlawful. It is unlawful for any person to sell any fireworks within the City; provided, that this prohibition does not apply to duly authorized public displays.

Section 4. Use and Discharge of Fireworks Unlawful. Except as authorized by State license and City 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 at an approved location); it is unlawful for any person to use, discharge or explode any fireworks of any kind within the City.

Section 5. Permit Required to Display Fireworks. It is unlawful for any person 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 6. Permit Fees. The fee for a "public display permit" for the public display of fireworks shall be one hundred dollars (\$100.00), payable in advance.

Section 7. Issuance, Nontransferable, Voiding. Each public display permit issued pursuant to this ordinance shall be valid for the specific authorized public display evening only, shall be used only by the designated permittee and shall be nontransferable. Any transfer or unauthorized 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 8. Application for Public Display Permit. Applications for a permit to hold, conduct, or operate a public display of fireworks as defined under Chapter 70.77 RCW shall be made to the Building Official for a permit. Applications shall be made at least fourteen (14) days prior to the scheduled event. Applications shall meet all qualifications and requirements of State law regarding public display of fireworks and all fire and safety requirements as set forth in the standards for public display and, in particular, shall hold a pyrotechnic operator license issued by the State of Washington as defined by Chapter 70.77 RCW and Chapter 212.17 WAC.

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 licensed pyrotechnician.
- B. The permit shall include the name of the applicant and his address; the name of the pyrotechnician and 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.
- C. The applicant for a public display of fireworks permit shall include with the application, evidence of a bond issued by an authorized surety or a certificate of public liability insurance. Such bond or certificate shall conform to the requirements set forth in RCW 70.77.285 and RCW 70.77.355, as now exist or as may hereafter be amended.
- D. A drawing shall be submitted with the application showing a plan view of the fireworks discharge site and the surrounding area within a five hundred foot radius. The drawing shall include all structures, fences, barricades, streets, fields, streams, and any other significant factors that may be subjected to ignition or that may inhibit firefighting capabilities.
- E. When, in the discretion of the Building Official, such requirement is necessary to preserve the public health, safety and welfare, the permit may require that specified equipment and personnel shall be on site prior to and after the conclusion of the display. All compensation for personnel and apparatus will be paid by the applicant.
- F. All combustible debris and trash shall be removed by the applicant from the area of discharge for a distance of three hundred feet in all directions.
- G. Applicant shall dispose of all unfired or "dud" fireworks in a safe manner.
- H. Applicant shall provide the fireworks discharge site a minimum of two 2A-rated pressurized water fire extinguishers and one fire blanket.
- I. The permit may be immediately revoked at any time deemed necessary by the Building Official or his/her designee due to any noncompliance, weather conditions such as extremely low humidity or wind factor. The display may also be canceled by accidental ignition of combustible or flammable material in the vicinity due to fall debris from display.
- J. Areas of public access shall be determined by the Building Official or his/her designee and maintained by the applicant in an approved manner.

Section 10. Special Effects for Entertainment Media. This ordinance does not prohibit the assembling, compounding, use and display of special effects of whatever nature by any person engaged in the production of motion pictures, radio, or television productions, theatricals or operas when such use and display is a necessary part of the production and such person possesses a valid permit issued by the City of Woodinville to purchase, possess, transport or use such fireworks.

Section 11. Nonprohibited Acts, Signal Purposes, Forest Protection. This ordinance does not prohibit the use of flares or fuses in connection with the operation of motor vehicles, railroads or other transportation agencies for signal purposes or illumination or for use in forest protection activities.

Section 12. Ordinance in Connection with State Law. This ordinance is intended to implement Chapter 70.77 RCW, and shall be construed on connection with that law and any and all rules or regulations issued pursuant thereto.

Section 13. Enforcement. The Building Official or his/her designee, in coordination with the Fire Chief, is authorized to enforce all provisions of this ordinance the Building Official or his/her designee may revoke any permit issued pursuant to this ordinance for failure to comply with any provisions of this ordinance, for failure to comply with any of the conditions of the permit, or upon any failure or refusal of the permittee to comply with the orders and directives of the Building Official or his/her designee, and/or to comply with any provisions of this ordinance relating to temporary structures.

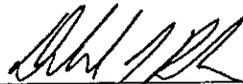
Section 14. Severability. If any section, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 15. Penalty. Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, punished as set forth in Chapter 1.03 of the Woodinville Municipal Code.

Section 16. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force one (1) year after publication.

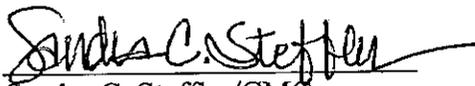
ADOPTED by the City Council of the City of Woodinville this 14th day of June,
1999.

APPROVED:



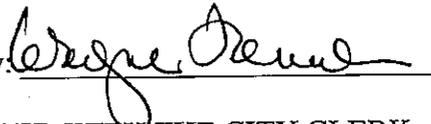
Mayor, Donald J. Brocha

ATTEST/AUTHENTICATED:

By: 

Sandra C. Steffler/CMC
City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: 

FILED WITH THE CITY CLERK: 6-14-99
PASSED BY THE CITY COUNCIL: 6-14-99
PUBLISHED: 6-21-99
EFFECTIVE DATE: 6-21-2000
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