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ORDINANCE NO. 1182

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, RELATING TO FIREWORKS AND AMENDING SECTIONS 9.12.010 THROUGH AND INCLUDING 9.12.090, 9.12.100, 9.12.130; REPEALING SECTION 9.12.110; AND ADDING A NEW SECTION 9.12.095.

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

Section 1. Section 9.12.010 of the Redmond Municipal Code is hereby amended to read as follows:

9.12.010 Definitions. The definitions of Chapter 70.77 RCW shall govern the construction of this chapter of the Redmond Municipal Code, when applicable. RCW 70.77.120 through and including RCW 70.77.230 are hereby adopted by this reference 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. Section 9.12.020 of the Redmond Municipal Code is hereby amended to read as follows:

9.12.020 Possession of Fireworks Unlawful. It is unlawful for any person to sell, possess, use or explode any dangerous fireworks within the City; provided, that this prohibition shall not apply to duly authorized public displays. Any item of fireworks which does not meet the State of Washington Fire Marshals approval in conformity with chapter 70.77, RCW as amended shall be deemed dangerous and is prohibited by this chapter.

Section 3. Section 9.12.030 of the Redmond Municipal Code is hereby amended to read as follows:

9.12.030 Permit Required to Sell or Display Fireworks. 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 chapter.

Section 4. Section 9.12.040 of the Redmond Municipal Code is hereby amended to read as follows:

9.12.040 Time Limit on Sale and Use. No permit holder shall offer for retail sale, expose for retail sale or sell fireworks within the City except from twelve noon on the twenty-eighth day of June to twelve noon on the fifth day of July of any year; provided, that this prohibition shall not apply to duly authorized public displays.

Section 5. Section 9.12.050 of the Redmond Municipal

Code is hereby amended to read as follows:

9.12.050 Permit Fees. The annual fee for a "seller's permit" for the sale of fireworks as may be authorized hereunder, shall be one hundred dollars (\$100.00) per year for each seller's permit, payable in advance. The fee for a "public display permit" for the public display of fireworks shall be fifty dollars (\$50.00), payable in advance.

Section 6. Section 9.12.060 of the Redmond Municipal

Code is hereby amended to read as follows:

9.12.060 Issuance - Nontransferable - Voiding. Each seller's permit issued under this chapter shall be for only one retail outlet. The number of seller's permits shall not be limited as long as all conditions are met as stated in section (9.12.090). Each seller's permit issued pursuant hereto shall be valid only for 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 for the specific authorized public display event 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 chapter and shall void the permit granted in addition to all other sanctions provided in Redmond Municipal Code.

Section 7. Section 9.12.065 of the Redmond Municipal

Code is hereby amended to read as follows:

9.12.065 Application for Public Display Permit. Applications for a permit to hold, conduct or operate a public display of fireworks shall be made to the Redmond Fire Prevention Bureau at least fourteen days prior to the scheduled event. Applicants 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.

Section 8. Section 9.12.070 of the Redmond Municipal

Code is hereby amended to read as follows:

9.12.070 Applications for Seller's Permit - Conditions for Issuance. Applications for seller's permits 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. Applications shall be signed before a notary public by the retail seller, if an individual, or by the duly authorized officer, if an association or corporation. It shall be 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 Washington State Fire Marshal approved fire-

works shall be issued only to applicants meeting the following conditions:

(1) The retailer or person in charge and responsible for the retail operation shall be over twenty-one years of age, of good moral character and of demonstrated responsibility.

(2) The applicant shall have a valid and current license issued by the Washington State Fire Marshal pursuant to chapter 70.77 RCW authorizing the holder thereto to engage in the retail sale of fireworks.

(3) The applicant shall own or have the right to possess a temporary fireworks stand complying with the requirements of this chapter, and those for temporary structures as set forth in the Community Development Guide.

(4) The applicant shall procure and maintain a policy or policies of public liability and property damage insurance issued by a company or companies approved by the City in the following minimum amounts: five hundred thousand dollars for injuries to any one person in one accident or occurrence; one million dollars for injuries to two or more persons in any one accident or occurrence; five hundred thousand dollars for damage to property in any one accident or occurrence; one million dollars combined single limit for any one accident or occurrence. In addition, the City of Redmond is to be an additional named insured and the policy shall provide for the immediate notification of the city by the insurer of any cancellation of each policy.

(5) 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 laws; provided, that the sale of Washington State Fire Marshal approved fireworks shall not be deemed an enlargement of an existing non-conforming use.

(6) The applicant shall post with the City a performance bond or a cash deposit in an amount not less than two hundred dollars, 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 he removes the temporary stand and cleans up all debris to the satisfaction of the proper officials of the City. In the event of his 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 he has failed to remove the stand and clean up all debris by the tenth of July following the sales' period.

7) Only one permit shall be issued to each applicant.

Section 9. Section 9.12.080 of the Redmond Municipal

Code is hereby amended to read as follows:

9.12.080 Sales from Stands - Exceptions. All Washington State Fire Marshal approved fireworks except "toy caps" shall be sold and/or distributed only from temporary stands.

Section 10. Section 9.12.090 of the Redmond

Municipal Code is hereby amended to read as follows:

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

(1) Temporary fireworks stands need not comply with all provisions of the building code; provided, however, that all such stands be erected under the supervision of the building inspector, who shall require all stands to be constructed in a safe manner ensuring the safety of attendants and patrons. In the event any temporary stand is wired for electricity, the wiring shall conform to the electrical code;

(2) No temporary fireworks stand shall be located within fifty feet of any other building or structure, nor within two hundred fifty feet of any gasoline station, oil storage tank or premises where flammable liquids or gases are kept or stored;

(3) Each temporary fireworks stand must have at least two exits which shall be unobstructed at all times.

(4) Each temporary fireworks stand shall have, in a readily accessible place, at least two 2 1/2 gallon pressurized water fire extinguishers which are in good working order.

(5) 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 twenty-five feet, measured from the exterior walls on each side of the temporary fireworks stand;

(6) No smoking shall be permitted in or near a temporary fireworks stand for a distance of not less than fifty feet measured from the exterior walls of the temporary fireworks stand;

(7) Each temporary fireworks stand shall have a person who is 18 years or older in attendance at all times the stand is stocked. Stock from the stand shall not be removed and stored in any other building during the sales' period without the express approval of the fire chief;

(8) All unsold stock and accompanying litter shall be removed from the temporary fireworks stand by twelve noon on the sixth day of July of each year;

(9) Not more than one temporary fireworks stand shall be located within a radius of 1500 feet from any other stand;

(10) Each temporary fireworks stand shall have provisions for sufficient off-street parking (at least fifteen spaces) to avoid impeding a continuous flow of traffic at entrances and exists from the premises;

(11) No person shall discharge any fireworks within 250 feet of the exterior walk of the temporary fireworks stand and signs stating "No Discharge of Fireworks within 250 Feet" shall be posted on the exterior of all walls of the temporary fireworks stand.

Section 11. A new section 9.12.095 is hereby added

to chapter 9.12 of the Redmond Municipal Code to read as follows:

9.12.095 Standards for Public Fireworks

Displays. All public fireworks displays shall conform to the following minimum standards and conditions:

(1) All public fireworks displays must be planned, organized and discharged by a State of Washington licensed Pyrotechnician;

(2) A permit must be obtained from the City of Redmond and approved by the Fire Chief or designee prior to any display of public fireworks. The permit shall include the name of the applicant and his address, the name of the Pyrotechnician and his 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 shall include the name and address of the insurance company providing the bond required.

(3) A drawing shall be submitted to the Fire Marshal 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 factors that may be subjected to ignition or that may inhibit fire fighting capabilities.

(4) A City of Redmond fire department pumper and a minimum of two trained City of Redmond firefighters shall be on site thirty minutes prior to and after the shooting of the event. Firefighters shall receive a minimum compensation as per the Washington State Chiefs Association's fee schedule. All compensation for fire department apparatus will be as per the Washington State Chiefs Association fee schedule and shall be designated to the Redmond Fire Department Fire Prevention Fund.

(5) All combustible debris and trash shall be removed from the area of discharge for a distance of 300 feet in all directions;

(6) All unfired or "DUD" fireworks shall be disposed of in a safe manner.

(7) A minimum of two (2A) rated pressurized water fire extinguisher and one fire blanket shall be required to be at the fireworks discharge site.

(8) The permit may be immediately revoked at any time deemed necessary by the Fire Marshal or designee due to any noncompliance, or weather 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.

(9) Areas of public access shall be determined by the Fire Marshal or designee and maintained in an approved manner.

Section 12. Section 90.12.100 of the Redmond

Municipal Code is hereby amended to read as follows:

9.12.100 Applicability of Chapter. The provisions of this chapter shall be applicable to

the sales and use of all fireworks except "toy caps".

Section 13. Section 9.12.110 of the Redmond Municipal Code is hereby repealed.

Section 14. Section 9.12.130 of the Redmond Municipal Code is hereby amended to read as follows:

9.12.130 Enforcement. The Fire Chief, or designee, is authorized to enforce all provisions of this chapter and, in addition to criminal sanctions or civil remedies, he may revoke any permit issued pursuant to this chapter upon any failure or refusal of the permittee to comply with the orders and directives of the Fire Chief or designee, and/or to comply with any provisions of this chapter or the requirements of the Community Development Guide relating to temporary structures.

Section 15. The City Clerk is hereby directed to maintain on file one copy of Sections 70.77.120 through and including 70.77.230 of the Revised Code of Washington, a copy of which is attached as Exhibit A to this ordinance, to be available for public use and inspection during regular city business hours.

Section 16. 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 17. This ordinance, being an exercise of the power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after its passage and publication by posting as provided by law.

CITY OF REDMOND:

Doreen Marchione
MAYOR, DOREEN MARCHIONE

ATTEST/AUTHENTICATED:

Doris A. Schauble
CITY CLERK, DORIS A. SCHAIBLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY Greg C. Martin

FILED WITH THE CITY CLERK: March 20, 1984
PASSED BY THE CITY COUNCIL: March 20, 1984
SIGNED BY THE MAYOR: March 22, 1984
POSTED: March 22, 1984
EFFECTIVE DATE: March 27, 1984
ORDINANCE NO. 1182

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Chapter 70.77

STATE FIREWORKS LAW

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Sale or gift of pistol or toy pistol to minors under eighteen years of age is misdemeanor: RCW 26.28.080.

State building code: Chapter 19.27 RCW.

70.77.120 Definitions—To govern chapter. The definitions set forth in this chapter shall govern the construction of this chapter, unless the context otherwise requires. [1961 c 228 § 1.]

70.77.126 Definitions—"Fireworks." "Fireworks" means any composition or device, in a finished state, containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and classified as common or special fireworks by the United States bureau of explosives or contained in the regulations of the United States department of transportation. [1982 c 230 § 1.]

70.77.131 Definitions—"Special fireworks." "Special fireworks" includes any fireworks designed primarily for exhibition display which produce visible or audible effects by combustion, deflagration, or detonation. [1982 c 230 § 2.]

70.77.136 Definitions—"Common fireworks." "Common fireworks" includes any fireworks which are designed primarily for sale at retail to the public during prescribed dates and which produce visible or audible effects through combustion. [1982 c 230 § 3.]

70.77.141 Definitions—"Agricultural and wildlife fireworks." "Agricultural and wildlife fireworks" includes fireworks devices distributed to farmers, ranchers, and growers through a wildlife management program administered by the United States department of the interior. [1982 c 230 § 4.]

70.77.146 Definitions—"Pyrotechnics." "Pyrotechnics" means any combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere, and designed and intended to produce an audible, visual, mechanical, or thermal effect as a necessary part of a motion picture, radio or television production, theatrical, or opera. [1982 c 230 § 5.]

70.77.160 Definitions—"Public display of fireworks." "Public display of fireworks" means an entertainment feature where the public is admitted or permitted to view the display or discharge of special fireworks. [1982 c 230 § 6; 1961 c 228 § 9.]

70.77.165 Definitions—"Fire nuisance." "Fire nuisance" means anything or any act which increases, or may cause an increase of, the hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service of preventing, suppressing, or extinguishing fire; or which may obstruct, delay, or hinder, or may become the cause of any obstruction, delay, or a hindrance to the prevention or extinguishment of fire. [1961 c 228 § 10.]

70.77.170 Definitions—"License." "License" means a nontransferable formal authorization which the state fire marshal is permitted to issue under this chapter to engage in the act specifically designated therein. [1982 c 230 § 7; 1961 c 228 § 11.]

70.77.175 Definitions—"Licensee." "Licensee" means any person holding a fireworks license in conformance with this chapter. [1961 c 228 § 12.]

70.77.180 Definitions—"Permit." "Permit" means the official permission granted by the local public agency for the purpose of establishing and maintaining a place where fireworks are manufactured, constructed, produced, packaged, stored, sold, exchanged, discharged or used. [1982 c 230 § 8; 1961 c 228 § 13.]

70.77.190 Definitions—"Person." "Person" includes any individual, firm, partnership, joint venture, association, concern, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit. [1961 c 228 § 15.]

70.77.200 Definitions—"Importer." "Importer" includes any person who for any purpose:

- (1) Brings fireworks into this state or causes fireworks to be brought into this state;
- (2) Procures the delivery or receives shipments of any fireworks into this state; or
- (3) Buys or contracts to buy fireworks for shipment into this state. [1961 c 228 § 17.]

70.77.205 Definitions—"Manufacturer." "Manufacturer" includes any person who manufactures, makes, constructs, fabricates, or produces any fireworks article or device but does not include persons who assemble or fabricate sets or mechanical pieces in public displays of fireworks. [1961 c 228 § 18.]

70.77.210 Definitions—"Wholesaler." "Wholesaler" includes any person who sells fireworks to a retailer or any other person for resale and any person who sells special fireworks to public display licensees. [1982 c 230 § 9; 1961 c 228 § 19.]

70.77.215 Definitions—"Retailer." "Retailer" includes any person who, at a fixed location or place of business, sells, transfers, or gives common fireworks to a consumer or user. [1982 c 230 § 10; 1961 c 228 § 20.]

70.77.230 Definitions—"Pyrotechnic operator." "Pyrotechnic operator" includes any individual who by experience and training has demonstrated the required skill and ability for safely setting up and discharging public displays of special fireworks. [1982 c 230 § 11; 1961 c 228 § 23.]

70.77.250 State fire marshal to enforce and administer—Powers and duties. The state fire marshal shall enforce and administer this chapter and shall have the following powers and duties:

(1) He shall appoint such deputies and employees as may be necessary and required to carry out the provisions of this chapter;

(2) He may prescribe such rules and regulations relating to fireworks as may be necessary for the protection of life and property, and shall adopt reasonable rules and regulations not inconsistent with the provisions of this chapter, for the granting of licenses for, and the presentation of, public displays of fireworks;

(3) He is vested with the necessary police powers to enforce the criminal provisions of this chapter. [1982 c 230 § 12; 1961 c 228 § 27.]

70.77.255 Acts prohibited without a license. No person, without securing a license, shall do any of the following:

(1) Manufacture, import, possess, or sell any fireworks at wholesale or retail for any use;

(2) Discharge special fireworks at any place;

(3) Make a public display of fireworks; or

(4) Transport fireworks, except as a public carrier delivering to a licensee. [1982 c 230 § 14; 1961 c 228 § 28.]

70.77.260 Application for permit. Any adult person or other group desiring to do any act mentioned in RCW 70.77.255 shall also make written application for a permit to the chief of the fire department or the chief fire prevention officer of the city or county, or to such other person as may be designated by the governing body of the city or county. Applications for permits for public display of fireworks shall be made in writing at least ten days in advance of the proposed display. [1982 c 230 § 15; 1961 c 228 § 29.]

70.77.265 Investigation, report on permit application. It shall be the duty of the officer to whom the application for a permit was made to make an investigation and submit a report of his findings and his recommendation for or against the issuance of the permit, together with his reasons therefor, to the governing body of the city or county. [1961 c 228 § 30.]

70.77.270 Governing body may grant or deny permit—Conditions. The governing body shall have power in its discretion to grant or deny the application,