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ORDINANCE NO. 1198

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, RELATING TO FIREWORKS AND AMENDING SECTIONS 9.12.010 AND 9.12.040 OF THE REDMOND MUNICIPAL CODE AND ADDING A NEW SECTION 9.12.115.

WHEREAS, the City Council deems it to be in the best interest of the public health, safety and welfare of the citizens to regulate the sale, use, possession, manufacture and public display of fireworks within its boundaries, and

WHEREAS, the City Council finds it desirable to conform the City's ordinances to recent State amendments to RCW 70.77, now, therefore,

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 as now stated or hereinafter amended 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 as now stated or hereinafter amended 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 9.12.040 of the Redmond Municipal Code is hereby amended to read as follows:

9.12.040 Time Limits Set on Sale and Use. No permit holder shall offer for retail sale, expose for retail sale or sell fireworks within the City except from 12:00 noon on the 28th day of June to 12:00 noon on the 5th day of July of any year; provided, that this prohibition shall not apply to duly authorized public displays. No common fireworks may be sold or discharged between the hours of 11:00 p.m. and 9:00 a.m.

Section 3. A new Section 9.12.115 is hereby added to chapter 9.12 of the Redmond Municipal Code to read as follows:

9.12.115 Reckless Discharge Unlawful. It is unlawful for any person to discharge or use fireworks

in a reckless manner which creates a substantial risk of death or serious physical injury to another person or damage to the property of another.

Section 4. The City Clerk is hereby directed to maintain on file one copy of Section 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 5. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication by posting as provided by law.

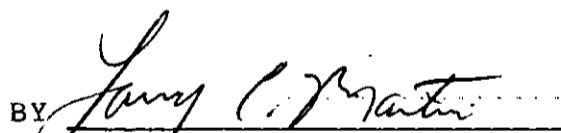
CITY OF REDMOND:


MAYOR, DOREEN MARCHIONE

ATTEST/AUTHENTICATED:


CITY CLERK, DORIS A. SCHAIBLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 

FILED WITH THE CITY CLERK:	June 14, 1984
PASSED BY THE CITY COUNCIL:	June 19, 1984
SIGNED BY THE MAYOR:	June 19, 1984
POSTED:	June 21, 1984
EFFECTIVE DATE:	June 26, 1984
ORDINANCE NO. <u>1198</u>	

Chapter 70.77

STATE FIREWORKS LAW

Sections

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 70.77.550 Short title.
 70.77.555 Local permit fee—Limit.
~~70.77.570 Certain rockets not to be sold as common fireworks.~~
 70.77.900 Effective date—1961 c 228.
 70.77.910 Severability—1961 c 228.
 70.77.911 Severability—1982 c 230.

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.~~

~~subject to such reasonable conditions, if any, as it shall prescribe. [1961 c 228 § 31.]~~

~~**70.77.280 Public display permit—Investigation—Grant, denial—Conditions.** It shall be the duty of the officer to whom the application for a permit for a public display of fireworks is made to make an investigation as to whether such a display as proposed will be of such a character and will be so located that it may be hazardous to property or dangerous to any person, and he shall in the exercise of reasonable discretion grant or deny the application, subject to such reasonable conditions, if any, as he may prescribe. [1961 c 228 § 33.]~~

~~**70.77.285 Public display permit—Bond or insurance for liability.** The applicant for a permit for a public display of fireworks shall at the time of application file with the officer to whom the application is made, a bond issued by an authorized surety company to be approved by such officer, conditioned upon the applicant's payment of all damages to persons or property which shall or may result from or be caused by such public display of fireworks, or any negligence on the part of the applicant, or his or its agents, servants, employees, or subcontractors in the presentation thereof, or a certificate of insurance evidencing the carrying of appropriate public liability insurance for the benefit of the person named therein as assured, as evidence of ability to respond in damages in at least such amount, said policies to be similarly approved. [1982 c 230 § 16; 1961 c 228 § 34.]~~

Amount of bond or insurance: RCW 70.77.295.

~~**70.77.290 Public display permit—Granted for exclusive purpose—Nontransferable.** If a permit for the public display of fireworks is granted, the sale, possession and use of fireworks for the public display is lawful for that purpose only. No such permit granted shall be transferable. [1961 c 228 § 35.]~~

~~**70.77.295 Public display permit—Amount of bond and insurance.** In the case of an application for a permit for the public display of fireworks, the amount of such a surety bond or certificate of insurance shall be not less than fifty thousand dollars and one million dollars for bodily injury liability for each person and event, respectively, and not less than twenty-five thousand dollars for property damage liability for each event. [1982 c 230 § 17; 1961 c 228 § 36.]~~

Bond or insurance required: RCW 70.77.285.

~~**70.77.305 Fire marshal to issue licenses.** The state fire marshal has the power to issue licenses for the manufacture, importation, sale, and use of all fireworks in this state. [1982 c 230 § 18; 1961 c 228 § 38.]~~

~~**70.77.311 Exemptions from licensing—Sales to religious organizations for ceremonial uses—Sales for**~~

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~~**specific uses—Sales and use of certain agricultural and wildlife fireworks.** No license is required for the sale of common fireworks to religious organizations for ceremonial uses or to private organizations or persons for specific uses, when approved by the local fire official, or for the sale and use of agricultural and wildlife fireworks if the agricultural and wildlife fireworks are distributed to farmers, ranchers, or growers through a wildlife management program administered by the United States department of the interior and if the distribution is in response to a written application describing the wildlife management problem that requires use of the devices, it is of no greater quantity than necessary to control the described problem, and it is limited to situations where other means of control are unavailable or inadequate. [1982 c 230 § 19.]~~

~~**70.77.315 Application for license.** Any person who desires to engage in the manufacture, importation, sale, or use of fireworks shall make a written application to the state fire marshal on forms provided by him. Such application shall be accompanied by the annual license fee as prescribed in this chapter. [1982 c 230 § 20; 1961 c 228 § 40.]~~

~~**70.77.320 Application for license to be signed.** The application for a license shall be signed by the applicant. If application is made by a partnership, it shall be signed by each partner of the partnership, and if application is made by a corporation, it shall be signed by an officer of the corporation and bear the seal of the corporation. [1961 c 228 § 41.]~~

~~**70.77.325 Annual application for a license.** Application for a license shall be made annually by every person holding an existing license and accompanied by the annual license fee as prescribed in this chapter. [1982 c 230 § 21; 1961 c 228 § 42.]~~

~~**70.77.330 License to engage in particular act to be issued if not contrary to public safety or welfare—Transportation of fireworks authorized.** If the state fire marshal finds that the granting of such license would not be contrary to public safety or welfare, he shall issue a license authorizing the applicant to engage in the particular act or acts upon the payment of the license fee specified in this chapter. Licensees may transport the class of fireworks for which they hold a valid license. [1982 c 230 § 22; 1961 c 228 § 43.]~~

~~**70.77.335 License authorizes activities of salesmen, employees.** The authorization to engage in the particular act or acts conferred by a license to a person shall extend to salesmen and other employees of such person. [1982 c 230 § 23; 1961 c 228 § 44.]~~

~~**70.77.340 Annual license fees.** The original and annual license fee shall be as follows:~~

Manufacturer	\$ 500.00
Importer	100.00
Wholesaler	1,000.00
Retailer (for each separate retail outlet)	10.00
Public display for special fireworks ..	10.00
Pyrotechnic operator for special fireworks	5.00

[1982 c 230 § 24; 1961 c 228 § 45.]

70.77.345 Duration of licenses. The license fee shall be for the calendar year from January 1st to December 31st or for the remaining portion thereof. [1982 c 230 § 25; 1961 c 228 § 46.]

**70.77.355 General license for public display—
Surety bond or insurance—Filing with legislative body.**

(1) Notwithstanding any of the other provisions of this chapter relating to public liability insurance and bonds, any adult individual, concern, firm, corporation, or co-partnership may secure a general license for the public display of fireworks within the state of Washington subject to the provisions of this chapter relative to the securing of local permits for the public display of fireworks in any city or county, except that in lieu of filing the bonds or certificate of public liability insurance as required in RCW 70.77.285 and 70.77.295, a surety bond similarly conditioned or a certificate evidencing public liability insurance in a like amount shall be filed with the state fire marshal. The bond or certificate of insurance shall provide that: (a) The insurer will not cancel the insured's coverage without fifteen days prior written notice to the state fire marshal; (b) the duly licensed pyrotechnic operator required by law to supervise and discharge the public display, acting either as an employee of the insured or as an independent contractor and the state of Washington, its officers, agents, employees, and servants are included as additional insureds, but only insofar as any operations under contract are concerned; and (c) the state is not responsible for any premium or assessments on the policy.

(2) The state fire marshal shall have the authority to issue such licenses, subject to such reasonable rules and regulations which he may adopt, not inconsistent with the provisions of this chapter. A certificate evidencing such general license, when so obtained, shall be filed with the legislative body or officer granting a permit for the public display of fireworks prior to the issuance thereof. [1982 c 230 § 26; 1961 c 228 § 48.]

70.77.360 Denial of license if contrary to public safety or welfare. If the state fire marshal finds that the granting of a license would be contrary to the public safety or welfare, he may deny the application for a license. [1982 c 230 § 27; 1961 c 228 § 49.]

70.77.365 Denial of license for failure to meet qualifications or conditions. A written report of the state fire marshal, any of his deputies or salaried assistants, or the

chief of any city or county fire department or fire protection district, or their authorized representatives, disclosing that the applicant for a license, or the premises for which a license is to apply, do not meet the qualifications or conditions for a license shall constitute grounds for the denial of any application for a license. [1982 c 230 § 28; 1961 c 228 § 50.]

70.77.370 Hearing on denial of license. Any applicant who has been denied a license is entitled to a hearing in accordance with the provisions of chapter 48.04 RCW. [1982 c 230 § 29; 1961 c 228 § 51.]

70.77.375 Mandatory revocation of license. The state fire marshal, upon reasonable opportunity to be heard, shall revoke any license issued pursuant to this chapter, if he finds that:

(1) The licensee has violated any provisions of this chapter or any rule or regulations made by the state fire marshal under and with the authority of this chapter;

(2) The licensee has created or caused a fire nuisance;

(3) Any licensee has failed or refused to file any required reports; or

(4) Any fact or condition exists which, if it had existed at the time of the original application for such license, reasonably would have warranted the state fire marshal in refusing originally to issue such license. [1982 c 230 § 30; 1961 c 228 § 52.]

70.77.395 Dates common fireworks may be sold or discharged. ~~No common fireworks shall be sold or discharged within this state except from twelve o'clock noon on the twenty-eighth of June to twelve o'clock noon on the sixth of July of each year.~~ [1982 c 230 § 31; 1961 c 228 § 56.]

70.77.405 Authorized sales of toy caps, tricks, and novelties. Toy paper caps containing not more than twenty-five hundredths grain of explosive compound for each cap and trick or novelty devices not classified as common fireworks may be sold at all times unless prohibited by local ordinance. [1982 c 230 § 32; 1961 c 228 § 58.]

70.77.410 Public displays not to be hazardous. All public displays of fireworks shall be of such a character and so located, discharged, or fired as not to be hazardous or dangerous to persons or property. [1961 c 228 § 59.]

70.77.415 Supervision of public displays. Every public display of fireworks shall be handled or supervised by a licensed pyrotechnic operator. [1982 c 230 § 33; 1961 c 228 § 60.]

70.77.420 Storage permit required. It shall be unlawful for any person to store fireworks of any class without first having made a written application for and received a permit for such storage to the chief of the fire department or to the chief fire prevention officer of the city or county in which the storage is to be made at least ten days prior to the date of the proposed storage. It

shall be the duty of the officer to whom the application for a storage permit is made to make an investigation as to whether such storage as proposed will be of such a nature and character and will be so located as to constitute a hazard to property or be dangerous to any person, and he shall in the exercise of reasonable discretion grant or deny the application, subject to such reasonable conditions, if any, as he may prescribe. [1982 c 230 § 34; 1961 c 228 § 61.]

70.77.425 Approved storage facilities required. It shall be unlawful for any person to store unsold stocks of fireworks remaining unsold after the lawful period of sale as provided in his permit except in such places of storage as the local officer issuing the permit shall approve. Unsold stocks of fireworks remaining after the authorized retail sales period from twelve o'clock noon on June 28th to twelve o'clock noon on July 6th shall be returned on or before July 31st of the same year to the approved storage facilities of a licensed fireworks wholesaler, to a magazine or storage place approved by the chief of any city or county fire department or fire protection district. [1982 c 230 § 35; 1961 c 228 § 62.]

70.77.430 Sale of stock after revocation or expiration of license. Following the revocation or expiration of his license, any person in lawful possession of a lawfully acquired stock of fireworks may sell such fireworks only under supervision of the state fire marshal and in such a manner as he shall by rule provide and solely to persons who are authorized to buy, possess, sell, or use such fireworks. [1982 c 230 § 36; 1961 c 228 § 63.]

70.77.435 Seizure of fireworks. Any fireworks which are illegally sold, offered for sale, used, discharged, possessed or transported in violation of the provisions of this chapter or the rules or regulations of the state fire marshal shall be subject to seizure by the state fire marshal or any deputy state fire marshal. Any fireworks seized under this section may be disposed of by the state fire marshal by summary destruction at any time subsequent to thirty days from such seizure or ten days from the final termination of proceedings under the provisions of RCW 70.77.440, whichever is later. [1982 c 230 § 37; 1961 c 228 § 64.]

70.77.440 Seizure of fireworks—Petition for return—Hearing—Decision—Judicial action for recovery. Any person whose fireworks are seized under the provisions of RCW 70.77.435 may within ten days after such seizure petition the state fire marshal to return the fireworks seized upon the ground that such fireworks were illegally or erroneously seized. Any petition filed hereunder shall be considered by the state fire marshal within fifteen days after filing and an oral hearing granted the petitioner, if requested. Notice of the decision of the state fire marshal shall be served upon the petitioner. The state fire marshal may order the fireworks seized under this chapter disposed of or returned to the petitioner if illegally or erroneously seized. The determination of the state fire marshal is final unless

within sixty days an action is commenced in a court of competent jurisdiction in the state of Washington for the recovery of the fireworks seized by the state fire marshal. [1961 c 228 § 65.]

70.77.450 Examination, inspection of books and premises. The state fire marshal may make an examination of the books and records of any licensee, or other person relative to fireworks, and may visit and inspect the premises of any licensee he may deem at any time necessary for the purpose of enforcing the provisions of this chapter. The licensee, owner, lessee, manager, or operator of any such building or premises shall permit the state fire marshal, his deputies, his salaried assistants and the chief of any city or county fire department or fire protection district and their authorized representatives to enter and inspect the premises at the time and for the purpose stated in this section. [1961 c 228 § 67.]

70.77.455 Licensees to maintain and make available to state fire marshal complete records. All licensees shall maintain and make available to the state fire marshal full and complete records showing all production, imports, exports, purchases, sales, and consumption of fireworks items by kind and class. [1982 c 230 § 38; 1961 c 228 § 68.]

70.77.460 Reports, payments deemed made when filed or paid or date mailed. When reports on fireworks transactions or the payments of license fees or penalties are required to be made on or by specified dates, they shall be deemed to have been made at the time they are filed with or paid to the state fire marshal or, if sent by mail, on the date shown by the United States postmark on the envelope containing the report or payment. [1961 c 228 § 69.]

70.77.465 Additional and supplemental reports. In addition to any other reports required under this chapter, the state fire marshal may, by rule or otherwise, require additional, other, or supplemental reports from licensees and other persons and prescribe the form, including verification, of the information to be given when filing such additional, other or supplemental reports. [1961 c 228 § 70.]

70.77.480 Prohibited transfers of fireworks. The transfer of fireworks ownership whether by sale at wholesale or retail, by gift or other means of conveyance of title, or by delivery of any fireworks to any person in the state who does not possess and present to the carrier for inspection at the time of delivery a valid license, where such license is required to purchase, possess, transport, or use fireworks, is prohibited. [1982 c 230 § 39; 1961 c 228 § 73.]

70.77.485 Unlawful possession—Penalty. The unlawful possession of any class or kind of fireworks in violation of the provisions of this chapter shall be a misdemeanor. [1961 c 228 § 74.]

70.77.495 Forestry permit to set off fireworks in forest, brush, fallow, etc. Nothing in this chapter shall be construed as permitting any person to set off fireworks of any kind in forest, fallows, grass or brush covered land; either on his own land or the property of another, between April 15th and December 1st of any year, unless it is done under a written permit from the supervisor of forestry or his duly authorized agent, and in strict accordance with the terms of the permit and any other applicable law. [1961 c 228 § 76.]

70.77.510 Sales or transfers of special fireworks. No person shall sell or transfer any special fireworks to any person who is not a fireworks licensee as provided for by this chapter. [1982 c 230 § 40; 1961 c 228 § 79.]

70.77.515 Sales or transfers of common fireworks. No person shall sell or transfer any common fireworks to a consumer or user thereof other than at a fixed place of business of a retailer for which a license and permit have been issued. [1982 c 230 § 41; 1961 c 228 § 80.]

70.77.520 Fire nuisance where fireworks kept prohibited. No person shall allow any rubbish to accumulate in any premises when any fireworks are stored or sold or permit a fire nuisance to exist. [1961 c 228 § 81.]

70.77.525 Manufacture or sale of fireworks for out-of-state shipment. This chapter does not prohibit any manufacturer, wholesaler, dealer, or jobber, having a license and a permit secured under the provisions of this chapter, from manufacturing or selling any kind of fireworks for direct shipment out of this state. [1982 c 230 § 42; 1961 c 228 § 82.]

70.77.530 Nonprohibited acts—Signal purposes, forest protection. This chapter does not prohibit the use of torpedoes, flares, or fuses by motor vehicles, railroads, or other transportation agencies for signal purposes or illumination or for use in forest protection activities. [1961 c 228 § 83.]

70.77.535 Pyrotechnics for entertainment media. This chapter does not prohibit the assembling, compounding, use, and display of pyrotechnics 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 from the local fire authority. [1982 c 230 § 43; 1961 c 228 § 84.]

70.77.540 Penalty. Any person violating any of the provisions of this chapter or any rules or regulations issued thereunder is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not exceeding one year, or by both such fine and imprisonment. [1961 c 228 § 85.]

70.77.545 Violation a separate, continuing offense. A person is guilty of a separate offense for each day during which he commits, continues, or permits a violation of any provision of, or any order, rule, or regulation made pursuant to this chapter. [1961 c 228 § 86.]

70.77.550 Short title. This chapter shall be known and may be cited as the state fireworks law. [1961 c 228 § 87.]

70.77.555 Local permit fee—Limit. A local public agency may provide by ordinance for a permit fee in an amount sufficient to cover legitimate administrative costs for permit processing and inspection, but in no case to exceed one hundred dollars for any one year. [1982 c 230 § 44; 1961 c 228 § 88.]

70.77.570 Certain rockets not to be sold as common fireworks. No fireworks may be sold or offered for sale to the public as common fireworks which are classified as sky rockets or missile-type rockets as defined by the United States department of transportation and the federal consumer products safety commission unless the state fire marshal has approved the type of firework so classified. [1982 c 230 § 13.]

70.77.900 Effective date—1961 c 228. This act shall take effect on January 1, 1962. [1961 c 228 § 90.]

70.77.910 Severability—1961 c 228. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. [1961 c 228 § 91.]

70.77.911 Severability—1982 c 230. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [1982 c 230 § 45.]

Chapter 70.79

BOILERS AND UNFIRED PRESSURE VESSELS

Sections	
70.79.010	Board of boiler rules—Members—Terms—Meetings.
70.79.020	Travel expense allowance.
70.79.030	Duties of board—Make definitions, rules and regulations—Boiler construction code.
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70.79.130	Special inspectors—Qualifications—Commission.
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70.79.150	Special inspectors—Inspections—Exempts from inspection fees.

be revealed except upon order of the superior court or by the process established by RCW 70.58.324. A parent or legal guardian of a child who is the subject of a report required by RCW 70.58.320 shall have access to such report or reports. [1984 c 156 § 4; 1959 c 177 § 4.]

70.58.332 Information on sentinel birth defects and services for disabled. The department shall assure that information is prepared and periodically updated on:

- (1) Sentinel birth defects; and
- (2) Public and private services for the disabled with sentinel birth defects. [1984 c 156 § 5.]

70.58.334 Committee to determine information to be prepared on sentinel birth defects and services. The secretary shall appoint a committee of physicians, educators, social service specialists, representatives of the department, representatives of the state board of health, representatives of the superintendent of public instruction, and parents of children with sentinel birth defects. The committee shall determine what information is to be prepared and furnished on sentinel birth defects and public and private services as required by RCW 70.58.332. [1984 c 156 § 6.]

70.58.338 Monitoring of sentinel birth defect trends. The department shall develop procedures to monitor the data on sentinel birth defect trends which may be caused by environmental hazards. [1984 c 156 § 7.]

Chapter 70.74

WASHINGTON STATE EXPLOSIVES ACT

Sections

- 70.74.180 Explosive devices prohibited—Penalty.
- 70.74.270 Endangering life and property by explosives—Penalties.

70.74.180 Explosive devices prohibited—Penalty. Any person who has in his possession or control any shell, bomb, or similar device, charged or filled with one or more explosives, intending to use it or cause it to be used for an unlawful purpose, is guilty of a felony, and upon conviction shall be punished by imprisonment in a state prison for a term of not more than twenty years. [1984 c 55 § 1; 1969 ex.s. c 137 § 21; 1931 c 111 § 18; RRS § 5440-18.]

70.74.270 Endangering life and property by explosives—Penalties. Every person who maliciously places any explosive substance or material in, upon, under, against, or near any building, car, vessel, railroad track, airplane, public utility transmission system, or structure, in such manner or under such circumstances as to destroy or injure it if exploded, shall be punished as follows:

- (1) If the circumstances and surroundings are such that the safety of any person might be endangered by the explosion, by imprisonment in the state penitentiary for not more than twenty years;

(2) In every other case by imprisonment in the state penitentiary for not more than five years. [1984 c 55 § 2; 1971 ex.s. c 302 § 8; 1969 ex.s. c 137 § 23; 1969 c 249 § 400; RRS § 2652.]

Chapter 70.77

STATE FIREWORKS LAW

Sections

- 70.77.126 Definitions—“Fireworks.”
- 70.77.131 Definitions—“Special fireworks.”
- 70.77.136 Definitions—“Common fireworks.”
- 70.77.146 Definitions—“Special effects.”
- 70.77.177 Definitions—“Local fire official.”
- 70.77.180 Definitions—“Permit.”
- 70.77.250 State fire marshal to enforce and administer—Powers and duties.
- 70.77.255 Acts prohibited without a license—Minimum age for license or permit—Activities permitted without license or permit.
- 70.77.260 Application for permit.
- 70.77.265 Investigation, report on permit application.
- 70.77.270 Governing body may grant or deny permit—Conditions.
- 70.77.280 Public display permit—Investigation—Governing body may grant or deny—Conditions.
- 70.77.285 Public display permit—Bond or insurance for liability.
- 70.77.290 Public display permit—Granted for exclusive purpose—Nontransferable.
- 70.77.295 Public display permit—Amount of bond or insurance.
- 70.77.305 Fire marshal to issue licenses—Registration of in-state agents.
- 70.77.311 Exemptions from licensing—Purchase of certain agricultural and wildlife fireworks by government agencies—Purchase of common fireworks by religious or private organizations.
- 70.77.325 Annual application for a license—Dates.
- 70.77.355 General license for public display—Surety bond or insurance—Filing of license certificate with local permit application.
- 70.77.360 Denial of license for material misrepresentation or if contrary to public safety or welfare.
- 70.77.365 Denial of license for failure to meet qualifications or conditions.
- 70.77.395 Dates and times common fireworks may be sold or discharged.
- 70.77.415 Supervision of public displays.
- 70.77.420 Storage permit required—Application—Investigation—Grant or denial—Conditions.
- 70.77.425 Approved storage facilities required.
- 70.77.430 Sale of stock after revocation or expiration of license.
- 70.77.440 Seizure of fireworks—Petition for return—Hearing—Decision—Judicial action for recovery—Sale of confiscated fireworks.
- 70.77.485 Unlawful possession of fireworks—Penalties.
- 70.77.488 Unlawful discharge or use of fireworks—Penalty.
- 70.77.510 Unlawful sales or transfers of special fireworks—Penalty.
- 70.77.515 Unlawful sales or transfers of common fireworks—Penalty.
- 70.77.517 Unlawful transportation of fireworks—Penalty.
- 70.77.520 Unlawful to permit fire nuisance where fireworks kept—Penalty.
- 70.77.535 Special effects for entertainment media.
- 70.77.540 Penalty.
- 70.77.570 Repealed.
- 70.77.575 State fire marshal to provide list of fireworks which may be sold to public.
- 70.77.580 Retailers to post list of fireworks.
- 70.77.912 Severability—1984 c 249.

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. [1984 c 249 § 1; 1982 c 230 § 1.]

70.77.131 Definitions—"Special fireworks." "Special fireworks" means any fireworks designed primarily for exhibition display by producing visible or audible effects. The term includes (1) fireworks commonly known as skyrockets, missile-type rockets, firecrackers, salutes, and chasers; and (2) fireworks not classified as common fireworks. [1984 c 249 § 2; 1982 c 230 § 2.]

70.77.136 Definitions—"Common fireworks." "Common fireworks" means any fireworks designed primarily to produce visual or audible effects by combustion.

(1) The term includes:

(a) Ground and hand-held sparkling devices, including items commonly known as dipped sticks, sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, and flitter sparklers;

(b) Smoke devices;

(c) Fireworks commonly known as helicopters, aerials, spinners, roman candles, mines, and shells;

(d) Class C explosives classified on January 1, 1984, as common fireworks by the United States department of transportation.

(2) The term does not include fireworks commonly known as firecrackers, salutes, chasers, skyrockets, and missile-type rockets. [1984 c 249 § 3; 1982 c 230 § 3.]

70.77.146 Definitions—"Special effects." "Special effects" 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. [1984 c 249 § 4; 1982 c 230 § 5.]

70.77.177 Definitions—"Local fire official." "Local fire official" means the chief of a local fire department or fire protection district, a chief fire protection officer or such other person as may be designated by the governing body of a city, county, or district to act as a local fire official under this chapter. [1984 c 249 § 6.]

70.77.180 Definitions—"Permit." "Permit" means the official permission granted by a local public agency for the purpose of establishing and maintaining a place within the jurisdiction of the local agency where fireworks are manufactured, constructed, produced, packaged, stored, sold, exchanged, discharged or used. [1984 c 249 § 5; 1982 c 230 § 8; 1961 c 228 § 13.]

70.77.250 State fire marshal to enforce and administer—Powers and duties. (1) The state fire marshal shall enforce and administer this chapter.

(2) The state fire marshal shall appoint such deputies and employees as may be necessary and required to carry out the provisions of this chapter.

(3) The state fire marshal may prescribe such rules relating to fireworks as may be necessary for the protection of life and property and for the implementation of this chapter.

(4) The state fire marshal shall prescribe such rules as may be necessary to ensure state-wide minimum standards for the enforcement of this chapter. Counties, cities, and towns shall comply with such state rules. Any local rules adopted by local authorities that are more restrictive than state law as to the types of fireworks that may be sold shall have an effective date no sooner than one year after their adoption.

(5) The state fire marshal may exercise the necessary police powers to enforce the criminal provisions of this chapter. This grant of police powers does not prevent any other state agency or local government agency having general law enforcement powers from enforcing this chapter within the jurisdiction of the agency or local government. [1984 c 249 § 7; 1982 c 230 § 12; 1961 c 228 § 27.]

70.77.255 Acts prohibited without a license—Minimum age for license or permit—Activities permitted without license or permit. (1) Except as otherwise provided in this chapter, no person, without an appropriate state license may:

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

(b) Make a public display of fireworks; or

(c) Transport fireworks, except as a public carrier delivering to a licensee.

(2) Except as authorized by a license and permit under subsection (1)(b) of this section, no person may discharge special fireworks at any place.

(3) No person less than eighteen years of age may apply for or receive a license or permit under this chapter.

(4) No license or permit is required for the possession or use of common fireworks lawfully purchased at retail. [1984 c 249 § 10; 1982 c 230 § 14; 1961 c 228 § 28.]

70.77.260 Application for permit. (1) Any person desiring to do any act mentioned in RCW 70.77.255(1)(a) or (c) shall apply in writing to a local fire official for a permit.

(2) Any person desiring to put on a public display of fireworks under RCW 70.77.255(1)(b) shall apply in writing to a local fire official for a permit. Application shall be made at least ten days in advance of the proposed display. [1984 c 249 § 11; 1982 c 230 § 15; 1961 c 228 § 29.]

General license holders to file license certificate with application for permit for public display of fireworks: RCW 70.77.355.

70.77.265 Investigation, report on permit application. The local fire official receiving an application for a permit under RCW 70.77.260(1) shall investigate the application and submit a report of findings and a

recommendation for or against the issuance of the permit, together with reasons, to the governing body of the city, county, or fire protection district. [1984 c 249 § 12; 1961 c 228 § 30.]

70.77.270 Governing body may grant or deny permit—Conditions. The governing body of a city, county, or fire protection district may grant or deny an application for a permit under RCW 70.77.260(1). The governing body may place reasonable conditions on any permit it issues. [1984 c 249 § 13; 1961 c 228 § 31.]

70.77.280 Public display permit—Investigation—Governing body may grant or deny—Conditions. The local fire official receiving an application for a permit under RCW 70.77.260(2) for a public display of fireworks shall investigate whether the character and location of the display as proposed would be hazardous to property or dangerous to any person. Based on the investigation, the official shall submit a report of findings and a recommendation for or against the issuance of the permit, together with reasons, to the governing body of the city, county, or fire protection district. The governing body may grant or deny the application and may place reasonable conditions on any permit it issues. [1984 c 249 § 14; 1961 c 228 § 33.]

70.77.285 Public display permit—Bond or insurance for liability. Except as provided in RCW 70.77.355, the applicant for a permit under RCW 70.77.260(2) for a public display of fireworks shall include with the application evidence of a bond issued by an authorized surety company. The bond shall be in the amount required by RCW 70.77.295 and shall be conditioned upon the applicant's payment of all damages to persons or property resulting from or caused by such public display of fireworks, or any negligence on the part of the applicant or its agents, servants, employees, or subcontractors in the presentation of the display. Instead of a bond, the applicant may include a certificate of insurance evidencing the carrying of appropriate public liability insurance in the amount required by RCW 70.77.295 for the benefit of the person named therein as assured, as evidence of ability to respond in damages. The local fire official receiving the application shall approve the bond or insurance if it meets the requirements of this section. [1984 c 249 § 15; 1982 c 230 § 16; 1961 c 228 § 34.]

70.77.290 Public display permit—Granted for exclusive purpose—Nontransferable. If a permit under RCW 70.77.260(2) for the public display of fireworks is granted, the sale, possession and use of fireworks for the public display is lawful for that purpose only. The permit granted is not transferable. [1984 c 249 § 16; 1961 c 228 § 35.]

70.77.295 Public display permit—Amount of bond or insurance. In the case of an application for a permit under RCW 70.77.260(2) for the public display of fireworks, the amount of the surety bond or certificate of insurance required under RCW 70.77.285 shall be not

less than fifty thousand dollars and one million dollars for bodily injury liability for each person and event, respectively, and not less than twenty-five thousand dollars for property damage liability for each event. [1984 c 249 § 17; 1982 c 230 § 17; 1961 c 228 § 36.]

70.77.305 Fire marshal to issue licenses—Registration of in-state agents. The state fire marshal has the power to issue licenses for the manufacture, importation, sale, and use of all fireworks in this state. A person may be licensed as a manufacturer, importer, or wholesaler under this chapter only if the person has a designated agent in this state who is registered with the state fire marshal. [1984 c 249 § 18; 1982 c 230 § 18; 1961 c 228 § 38.]

70.77.311 Exemptions from licensing—Purchase of certain agricultural and wildlife fireworks by government agencies—Purchase of common fireworks by religious or private organizations. (1) No license is required for the purchase of agricultural and wildlife fireworks by government agencies if:

(a) The agricultural and wildlife fireworks are used for wildlife control or are distributed to farmers, ranchers, or growers through a wildlife management program administered by the United States department of the interior or an equivalent state or local governmental agency;

(b) The distribution is in response to a written application describing the wildlife management problem that requires use of the devices;

(c) It is of no greater quantity than necessary to control the described problem; and

(d) It is limited to situations where other means of control are unavailable or inadequate.

(2) No license is required for religious organizations or private organizations or persons to purchase or use common fireworks and such audible ground devices as firecrackers, salutes, and chasers if:

(a) Purchased from a licensed manufacturer, importer, or wholesaler;

(b) For use on prescribed dates and locations;

(c) For religious or specific purposes; and

(d) A permit is obtained from the local fire official. [1984 c 249 § 19; 1982 c 230 § 19.]

70.77.325 Annual application for a license—Dates. (1) Application for a license shall be made annually by every person holding an existing license who wishes to continue the activity requiring the license. The application shall be accompanied by the annual license fee as prescribed in RCW 70.77.340.

(2) A person applying for an annual license as a retailer under this chapter shall file an application by June 10 of the current year. The state fire marshal shall grant or deny the license within fifteen days of receipt of the application.

(3) A person applying for an annual license as a manufacturer, importer, or wholesaler under this chapter shall file an application by January 31 of the current

year. The state fire marshal shall grant or deny the license within ninety days of receipt of the application. [1984 c 249 § 20; 1982 c 230 § 21; 1961 c 228 § 42.]

70.77.355 General license for public display—Surety bond or insurance—Filing of license certificate with local permit application. (1) Any adult person may secure a general license from the state fire marshal for the public display of fireworks within the state of Washington. A general license is subject to the provisions of this chapter relative to the securing of local permits for the public display of fireworks in any city, county, or fire protection district, except that in lieu of filing the bond or certificate of public liability insurance with the appropriate local official under RCW 70.77.260 as required in RCW 70.77.285, the same bond or certificate shall be filed with the state fire marshal. The bond or certificate of insurance for a general license in addition shall provide that: (a) The insurer will not cancel the insured's coverage without fifteen days prior written notice to the state fire marshal; (b) the duly licensed pyrotechnic operator required by law to supervise and discharge the public display, acting either as an employee of the insured or as an independent contractor and the state of Washington, its officers, agents, employees, and servants are included as additional insureds, but only insofar as any operations under contract are concerned; and (c) the state is not responsible for any premium or assessments on the policy.

(2) The state fire marshal may issue such general licenses. The holder of a general license shall file a certificate from the state fire marshal evidencing the license with any application for a local permit for the public display of fireworks under RCW 70.77.260. [1984 c 249 § 21; 1982 c 230 § 26; 1961 c 228 § 48.]

70.77.360 Denial of license for material misrepresentation or if contrary to public safety or welfare. If the state fire marshal finds that an application for any license under this chapter contains a material misrepresentation or that the granting of any license would be contrary to the public safety or welfare, the state fire marshal may deny the application for the license. [1984 c 249 § 22; 1982 c 230 § 27; 1961 c 228 § 49.]

70.77.365 Denial of license for failure to meet qualifications or conditions. A written report by the state fire marshal or a local fire official, or any of their authorized representatives, disclosing that the applicant for a license, or the premises for which a license is to apply, do not meet the qualifications or conditions for a license constitutes grounds for the denial by the state fire marshal of any application for a license. [1984 c 249 § 23; 1982 c 230 § 28; 1961 c 228 § 50.]

70.77.395 Dates and times common fireworks may be sold or discharged. Except as provided in RCW 70.77.311, no common fireworks shall be sold or discharged within this state except from twelve o'clock noon on the twenty-eighth of June to twelve o'clock noon on the sixth of July of each year. No common fireworks may be

sold or discharged between the hours of eleven o'clock p.m. and nine o'clock a.m. [1984 c 249 § 24; 1982 c 230 § 31; 1961 c 228 § 56.]

70.77.415 Supervision of public displays. Every public display of fireworks shall be handled or supervised by a pyrotechnic operator licensed by the state fire marshal under RCW 70.77.255. [1984 c 249 § 25; 1982 c 230 § 33; 1961 c 228 § 60.]

70.77.420 Storage permit required—Application—Investigation—Grant or denial—Conditions. It is unlawful for any person to store fireworks of any class without a permit for such storage from the local fire official in the jurisdiction in which the storage is to be made. A person proposing to store fireworks shall apply in writing to a local fire official at least ten days prior to the date of the proposed storage. The official receiving the application for a storage permit shall investigate whether the character and location of the storage as proposed would constitute a hazard to property or be dangerous to any person. Based on the investigation, the official may grant or deny the application. The official may place reasonable conditions on any permit granted. [1984 c 249 § 26; 1982 c 230 § 34; 1961 c 228 § 61.]

70.77.425 Approved storage facilities required. It is unlawful for any person to store unsold stocks of fireworks remaining unsold after the lawful period of sale as provided in the person's permit except in such places of storage as the local fire official issuing the permit approves. Unsold stocks of common fireworks remaining after the authorized retail sales period from twelve o'clock noon on June 28th to twelve o'clock noon on July 6th shall be returned on or before July 31st of the same year to the approved storage facilities of a licensed fireworks wholesaler, to a magazine or storage place approved by a local fire official. [1984 c 249 § 27; 1982 c 230 § 35; 1961 c 228 § 62.]

70.77.430 Sale of stock after revocation or expiration of license. Notwithstanding RCW 70.77.255, following the revocation or expiration of a license, a licensee in lawful possession of a lawfully acquired stock of fireworks may sell such fireworks, but only under supervision of the state fire marshal. Any sale under this section shall be solely to persons who are authorized to buy, possess, sell, or use such fireworks. [1984 c 249 § 28; 1982 c 230 § 36; 1961 c 228 § 63.]

70.77.440 Seizure of fireworks—Petition for return—Hearing—Decision—Judicial action for recovery—Sale of confiscated fireworks. (1) Any person whose fireworks are seized under the provisions of RCW 70.77.435 may within ten days after such seizure petition the state fire marshal to return the fireworks seized upon the ground that such fireworks were illegally or erroneously seized. Any petition filed hereunder shall be considered by the state fire marshal within fifteen days after filing and an oral hearing granted the petitioner, if

requested. Notice of the decision of the state fire marshal shall be served upon the petitioner. The state fire marshal may order the fireworks seized under this chapter disposed of or returned to the petitioner if illegally or erroneously seized. The determination of the state fire marshal is final unless within sixty days an action is commenced in a court of competent jurisdiction in the state of Washington for the recovery of the fireworks seized by the state fire marshal.

(2) If the fireworks are not returned to the petitioner or destroyed pursuant to RCW 70.77.435, the state fire marshal may sell confiscated common fireworks and special fireworks that are legal for use and possession under this chapter to wholesalers licensed by the state fire marshal. Sale shall be by public auction after publishing a notice of the date, place, and time of the auction in a newspaper of general circulation in the county in which the auction is to be held, at least three days before the date of the auction. The proceeds of the sale of the seized fireworks under this section shall be deposited in the general fund. Fireworks that are not legal for use and possession in this state shall be destroyed by the state fire marshal. [1984 c 249 § 29; 1961 c 228 § 65.]

70.77.485 Unlawful possession of fireworks—Penalties. It is unlawful to possess any class or kind of fireworks in violation of this chapter. A violation of this section is:

(1) A misdemeanor if involving less than one pound of fireworks, exclusive of external packaging; or

(2) A gross misdemeanor if involving one pound or more of fireworks, exclusive of external packaging.

For the purposes of this section, "external packaging" means any materials that are not an integral part of the operative unit of fireworks. [1984 c 249 § 30; 1961 c 228 § 74.]

70.77.488 Unlawful discharge or use of fireworks—Penalty. It is unlawful for any person to discharge or use fireworks in a reckless manner which creates a substantial risk of death or serious physical injury to another person or damage to the property of another. A violation of this section is a gross misdemeanor. [1984 c 249 § 37.]

70.77.510 Unlawful sales or transfers of special fireworks—Penalty. It is unlawful for any person knowingly to sell, transfer, or agree to sell or transfer any special fireworks to any person who is not a fireworks licensee as provided for by this chapter. A violation of this section is a gross misdemeanor. [1984 c 249 § 31; 1982 c 230 § 40; 1961 c 228 § 79.]

70.77.515 Unlawful sales or transfers of common fireworks—Penalty. It is unlawful for any person to sell or transfer any common fireworks to a consumer or user other than at a fixed place of business of a retailer for which a license and permit have been issued. A violation of this section is a gross misdemeanor. [1984 c 249 § 32; 1982 c 230 § 41; 1961 c 228 § 80.]

70.77.517 Unlawful transportation of fireworks—Penalty. It is unlawful for any person, except in the course of continuous interstate transportation through any state, to transport fireworks from this state into any other state, or deliver them for transportation into any other state, or attempt so to do, knowing that such fireworks are to be delivered, possessed, stored, transported, distributed, sold, or otherwise dealt with in a manner or for a use prohibited by the laws of such other state specifically prohibiting or regulating the use of fireworks. A violation of this section is a gross misdemeanor.

This section does not apply to a common or contract carrier or to international or domestic water carriers engaged in interstate commerce or to the transportation of fireworks into a state for the use of federal agencies in the carrying out or the furtherance of their operations.

In the enforcement of this section, the definitions of fireworks contained in the laws of the respective states shall be applied.

As used in this section, the term "state" includes the several states, territories, and possessions of the United States, and the District of Columbia. [1984 c 249 § 34.]

70.77.520 Unlawful to permit fire nuisance where fireworks kept—Penalty. It is unlawful for any person to allow any rubbish to accumulate in any premises in which fireworks are stored or sold or permit a fire nuisance to exist in such a premises. A violation of this section is a misdemeanor. [1984 c 249 § 33; 1961 c 228 § 81.]

70.77.535 Special effects for entertainment media. This chapter 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 from the local fire official. [1984 c 249 § 35; 1982 c 230 § 43; 1961 c 228 § 84.]

70.77.540 Penalty. Except as otherwise provided in this chapter, any person violating any of the provisions of this chapter or any rules issued thereunder is guilty of a misdemeanor. [1984 c 249 § 36; 1961 c 228 § 85.]

70.77.570 Repealed. See Supplementary Table of Disposition of Former RCW Sections, this volume.

70.77.575 State fire marshal to provide list of fireworks which may be sold to public. (1) The state fire marshal shall adopt by rule a list of the fireworks that may be sold to the public in this state pursuant to this chapter. The state fire marshal shall file the list by October 1st of each year with the code reviser for publication, unless the previously published list has remained current.

(2) The state fire marshal shall provide the list adopted under subsection (1) of this section by

November 1st of each year to all manufacturers, wholesalers, and importers licensed under this chapter, unless the previously distributed list has remained current. [1984 c 249 § 8.]

70.77.580 Retailers to post list of fireworks. Retailers required to be licensed under this chapter shall post prominently at each retail outlet a list of the fireworks that may be sold to the public in this state pursuant to this chapter. The posted list shall be in a form approved by the state fire marshal. The fire marshal shall make available the list. [1984 c 249 § 9.]

70.77.912 Severability—1984 c 249. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [1984 c 249 § 41.]

Chapter 70.79

BOILERS AND UNFIRED PRESSURE VESSELS

Sections

- 70.79.020 Compensation and travel expenses. (Effective July 1, 1985.)
70.79.060 Construction, installation must conform to rules—Special installation and operating permits.

70.79.020 Compensation and travel expenses. (Effective July 1, 1985.) The members of the board shall be compensated in accordance with RCW 43.03.240 and shall receive travel expenses incurred while in the performance of their duties as members of the board, in accordance with RCW 43.03.050 and 43.03.060. [1984 c 287 § 105; 1975-'76 2nd ex.s. c 34 § 159; 1951 c 32 § 2.]

Legislative findings—Severability—Effective date—1984 c 287: See notes following RCW 43.03.220.

Effective date—Severability—1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

70.79.060 Construction, installation must conform to rules—Special installation and operating permits. (1) Except as provided in subsection (2) of this section, no power boiler, low pressure boiler, or unfired pressure vessel which does not conform to the rules and regulations formulated by the board governing new construction and installation shall be installed and operated in this state after twelve months from the date upon which the first rules and regulations under this chapter pertaining to new construction and installation shall have become effective, unless the boiler or unfired pressure vessel is of special design or construction, and is not covered by the rules and regulations, nor is in any way inconsistent with such rules and regulations, in which case a special installation and operating permit may at its discretion be granted by the board.

(2) A special permit may also be granted for boilers and pressure vessels manufactured before 1951 which do not comply with the code requirements of the American Society of Mechanical Engineers adopted under this

chapter, if the boiler or pressure vessel is operated exclusively for the purposes of public exhibition, and the board finds, upon inspection, that operation of the boiler or pressure vessel for such purposes is not unsafe. [1984 c 93 § 1; 1951 c 32 § 6.]

Chapter 70.94

WASHINGTON CLEAN AIR ACT

Sections

- 70.94.0935 Limitation on revenues collected from sources of air pollution—Exemption.
70.94.151 Classification of air contaminant sources—Registration—Fee—Registration program defined.
70.94.430 Penalties.
70.94.431 Additional or alternative penalties—Enforcement—Distribution—Remission or mitigation—Appeals.
70.94.800 Legislative declaration—Intent.
70.94.805 "Acid deposition" defined.
70.94.810 Joint legislative committee on science and technology—Establishment of consultant selection committee—Duties of consultant—Interagency agreement to assist evaluation of acid rain—Amount of assistance.
70.94.815 Application for money to finance evaluation.
70.94.820 Monitoring by department of ecology.
70.94.825 Department of ecology to initiate comprehensive evaluation of acid rain.
70.94.850 Emission credits banking program—Amount of credit.
70.94.860 Department of ecology may accept, delegate the prevention of significant deterioration program.
70.94.870 Report to legislature on emission credits banking program.

70.94.0935 Limitation on revenues collected from sources of air pollution—Exemption. Revenues collected from sources of air pollution for services rendered on a periodic basis for any authority shall not exceed in any fiscal year fifty percent of the "supplemental income" paid by component cities, towns, and counties as defined in RCW 70.94.092 for the same fiscal year. Fees collected under RCW 70.94.152 are exempt from this limitation. [1984 c 88 § 1.]

70.94.151 Classification of air contaminant sources—Registration—Fee—Registration program defined. (1) The board of any activated authority or the state board, may classify air contaminant sources, by ordinance, resolution, rule or regulation, which in its judgment may cause or contribute to air pollution, according to levels and types of emissions and other characteristics which cause or contribute to air pollution, and may require registration or reporting or both for any such class or classes. Classifications made pursuant to this section may be for application to the area of jurisdiction of such authority, or the state as a whole or to any designated area within the jurisdiction, and shall be made with special reference to effects on health, economic and social factors, and physical effects on property.

(2) Any person operating or responsible for the operation of air contaminant sources of any class for which the ordinances, resolutions, rules or regulations of the