

ORDINANCE NO. 288

For copies
of of RCW
70.77.120
see fireworks
file

AN ORDINANCE, relating to and regulating the sale and use of certain fireworks; providing a tax upon the retail fireworks business; providing penalties for violations; and repealing Ordinance No. 232.

AMENDED

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

Date 6/26/62

Ordinance No. 288

Section 1 - Definitions - The definitions set forth in Sections 1 through 26, Chapter 228, Laws of 1961 (R.C.W. 70.77.120 through R.C.W. 70.77.245) shall govern the construction of this Ordinance, unless the context otherwise requires and said statutes of the State of Washington are hereby adopted by reference.

Section 2 - It shall be unlawful for any person to sell, possess, use or explode any dangerous fireworks within the City of Redmond; Provided that this prohibition shall not apply to duly authorized public displays. Any item of fireworks which does not bear a "Safe and Sane" registration or classification of the State Fire Marshal in conformity with Chapter 228, Laws of 1961 of the State of Washington, shall be deemed dangerous and is prohibited by this Ordinance.

Section 3 - It shall be unlawful for any person to engage in the retail sale of or to sell any safe and sane fireworks within the City of Redmond without first having obtained and being the holder of a valid permit issued pursuant to the provisions of this Ordinance.

Section 4 - No permit holder shall offer for retail sale, expose for retail sale or sell at retail and no person shall use or explode, any safe and sane fireworks within the City of Redmond 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.

Section 5 - The annual permit fee for the sale of such fireworks as may be authorized hereunder, or may be authorized by the provisions of the laws of the State of Washington, shall be Ten Dollars (\$10.00) per annum for each permit, payable in advance.

Section 6 - Each permit issued under this Ordinance shall be for only one retail sales outlet and, in the interests of the public peace, safety, morality and good order, there shall be issued not more than two retail permits in any one year. Each permit issued pursuant hereto shall be valid only for the current year, shall be used only by the designated permittee and shall be nontransferable. Any transfer or purported transfer of such a permit shall be deemed a violation of this Ordinance and shall void the permit granted.

Section 7 - Applications for permits shall be made annually on or before April 1st of the year for which the permit is issued to the enforcing official; provided that for the year 1962, applications may be made immediately upon the effective date of this Ordinance. A permit for the sale of safe and sane fireworks shall be issued only upon the following terms and conditions:

- a. The applicant shall be over the age of twenty-one years, of good moral character and of demonstrated responsibility.
- b. The applicant shall have a valid and subsisting license issued by the State of Washington authorizing the holder thereof to engage in the fireworks business.

c. The applicant shall own or have the right to possess a temporary fireworks stand complying with the standards hereinafter set forth for temporary fireworks stands.

d. The applicant shall procure and maintain a policy or policies of public liability and property damage insurance in a company or companies approved by the City in the following minimum amounts: \$100,000 or more for injuries to any one person in one accident or occurrence; \$300,000 or more for injuries to two or more persons in any one accident or occurrence; \$50,000 for damage to property in any one accident or occurrence.

e. The permit holder's location or place of business shall be only in those areas or zones within the City of Redmond wherein commercial activities are authorized under the applicable zoning laws; provided that the sale of safe and sane fireworks shall not be deemed an enlargement of an existing non-conforming use.

f. The applicant shall post with the City a performance bond or cash deposit in an amount not less than \$100.00, conditioned upon the prompt removal of the temporary stand and the cleaning up of all debris from the site of the temporary stand, which deposit shall be returned to the applicant only in the event that he removes said temporary stand and cleans up all debris to the satisfaction of the proper officials of the City of Redmond. In the event of his failure to do so, said performance bond or cash deposit shall be forfeited to the City of Redmond. In no event shall the applicant be entitled to the return of said performance bond or cash deposit if he has failed to remove said temporary stand and clean up all debris by the tenth day of July of each year.

Section 8 - All safe and sane fireworks except "toy caps" and "sparklers" shall be sold only from temporary stands.

Section 9 - The temporary stands of all permit holders shall conform to the following minimum standards and conditions;

a. Temporary fireworks stands need not comply with all provisions of the Building Code of the City of Redmond, provided, however, that all such stands shall be erected under the supervision of the Building Inspector of the City of Redmond or his duly authorized representative, 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, then the wiring shall conform to the Electrical Code of the City of Redmond.

b. No temporary fireworks stand shall be located within twenty feet of any other building or structure, nor within fifty feet of any gasoline station, oil storage tank or premises where flammable liquids are kept or stored.

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

d. Each temporary fireworks stand shall have, in a readily-accessible place, a fire extinguisher duly approved in advance by the Fire Chief of the City of Redmond, or his duly-authorized representative.

e. All weeds, grass and combustible material shall be cleared from the location of the temporary fireworks stand and the surrounding area a distance of not less than twenty-feet, measured from the exterior walls on each side of said temporary fireworks stand.

f. No smoking shall be permitted in or near a temporary fireworks stand, and the same shall be posted with proper "NO Smoking" signs.

g. Each temporary fireworks stand shall have an adult in attendance at all times. No child or children under the age of eighteen years shall be allowed inside any temporary fireworks stand.

h. All unsold stock and accompanying litter shall be removed from said temporary fireworks stand by 12:00 noon on the 6th day of July of each year.

Section 10 - The provisions of this Ordinance shall apply to the sale of all safe and sane fireworks, as defined by Chapter 228, Laws of 1961 of the State of Washington, (R.C.W. 70.77), except as to the sales of "toy caps" and "sparklers." The restrictions and limitations of this Ordinance, except as to the need for a permit and the time restricting the sale of fireworks as applied to "sparklers," shall not be applicable to the sale of "toy caps" and "sparklers."

Section 11 - In the event there are more applications for licenses than there are licenses available, then licenses shall be granted to those first applying therefor who meet all the necessary qualifications and requirements.

Section 12 - This Ordinance is intended to implement Chapter 228, Laws of 1961 of the State of Washington (R.C.W. 70.77), and shall be construed in connection with said law and any and all rules or regulations issued pursuant thereto.

Section 13 - The Chief of Police of the City of Redmond or his duly-authorized representative is hereby designated as the enforcing officer of this Ordinance, in addition to all the grounds for the revocation of a fireworks permit.

Section 14 - There is hereby levied and imposed upon every person engaging in the retail fireworks business within the City of Redmond as permitted by this Ordinance a license tax equal to 30 percent (30%) of the gross revenues derived from such business. This license tax is hereby declared to be an exercise of the powers of the city to impose a license tax for the purpose of revenue.

Section 15 - Within five days following the annual sale of fireworks authorized pursuant to the provisions of this Ordinance, the person operating a retail fireworks business shall report and remit to the City Clerk the amount of the license tax herein levied upon such forms and under such rules and regulations as may be prescribed by the City Clerk.

Section 16 - If any provision of this Ordinance or the application thereof to any person or circumstances is held by a court of competent jurisdiction to be invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are declared to be severable.

Section 17 - Any person violating or failing to comply with any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not exceeding \$300.00, or by imprisonment not exceeding 90 days or by both such fine and imprisonment.

Section 18 - Ordinance No. 232, passed October 28, 1959, and all Ordinances or parts of Ordinances in conflict herewith are repealed.

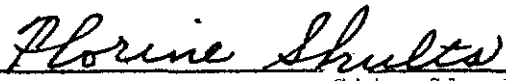
Section 19 - This Ordinance is necessary for the immediate preservation of the public health and safety and shall take effect immediately upon its passage and approval.

PASSED by the Council of the City of Redmond, Washington, at a regular meeting thereof and APPROVED by the Mayor this 12th day of June, 1962.

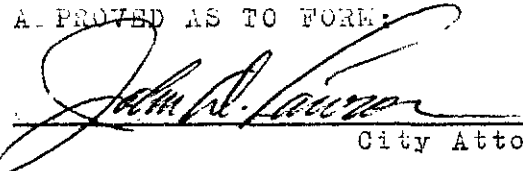
CITY OF REDMOND


MAYOR

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney