

CITY OF REDMOND, WASHINGTON

ORDINANCE NO. 551

AN ORDINANCE, relating to the sale and use of fireworks; adding a new section, amending sections 9.12.030, 9.12.050, 9.12.060, 9.12.070, 9.12.090, 9.12.110 and 9.12.130, and repealing sections 9.12.140 and 9.12.150 of the Redmond Municipal Code.

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

Section 1. 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 safe and sane 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 2. 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, or may be authorized by the provisions of the laws of the state, shall be ten dollars per annum for each seller's permit, payable in advance. The fee for a "public display permit" for the public display of fireworks shall be \$10.00, payable in advance.

Section 3. 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 sales outlet and, in the interests of the public peace, safety, morality and good order, seller's permits shall be limited to one permit for each 5,000 citizens or portion thereof, according to the last population census taken of the city. 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, purported transfer or unauthorized use of a permit shall be deemed a violation of this chapter and shall void the permit granted.

Section 4. (New Section) There is hereby added to Chapter 9.12 of the Redmond Municipal Code a new section 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 fire chief at least ten days before the scheduled event. Applicants shall meet all qualifications and requirements of state law regarding public display of fireworks and all fire and safety requirements ordered by the fire chief.

Section 5. Section 9.12.070 of the Redmond Municipal Code is hereby amended to read as follows:

9.12.070 Application 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 15 of such year unless extended by action of the city council. Seller's permits for the sale of safe and sane fireworks shall be issued only to applicants meeting the following conditions:

(1) The applicant shall be a non-profit, charitable, service organization located in Redmond;

(2) The applicant shall have a valid and subsisting license issued by the state authorizing the holder thereof to engage in the retail fireworks business;

(3) 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;

(4) 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: one hundred thousand dollars or more for injuries to any one person in one accident or occurrence; three hundred thousand dollars or more for injuries to two or more persons in any one accident or occurrence; fifty thousand dollars for damage to property in any one accident or occurrence;

(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 the applicable zoning laws; provided, that the sale of safe and sane fireworks shall not be deemed an enlargement of an existing nonconforming use;

(6) The applicant shall post with the city a performance bond or cash deposit in an amount not less than one 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 so to do, 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 6. 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 shall be erected under the supervision of the building inspector 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, the wiring shall conform to the electrical code;

(2) 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;

(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 full buckets of water and/or a fire extinguisher duly approved in advance by the fire chief, or his duly authorized representative;

(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 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, and the same shall be posted with proper "No Smoking" signs;

(7) Each temporary fireworks stand shall have an adult 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 two temporary fireworks stands shall be located within a radius of one-half mile from any other stands;

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

Section 7. Section 9.12.110 of the Redmond Municipal Code is hereby amended to read as follows:

9.12.110 Determining eligibility among several applicants.

In the event there are more applications for seller's permits than there are permits available, then the city clerk shall refer all applications to a committee appointed by the Mayor from the members of the City Council who shall meet and determine which applicants shall be entitled to the permits. In addition to determining eligibility in accordance with sections 9.12.070 and 9.12.090, the committee shall consider the following:

(1) Demonstrated ability through past performance to comply with the requirements of this chapter;

(2) Responsibility of the applicant to properly conduct and operate a retail fireworks stand so as to minimize the risks involved;

(3) Scope and benefit of the community service performed by the applicant to the community as a whole;

(4) Degree to which the applicant has oriented its fund-raising activities and community service to operating a retail fireworks stand;

(5) Other factors which have a direct bearing upon the relationship of the public, health, welfare and safety to the contributions and benefits to be derived by the community.

The committee shall report its determinations to the city clerk who shall thereupon issue a permit to the successful applicants.

Section 8. Section 9.12.130 of the Redmond Municipal Code is hereby amended to read as follows:

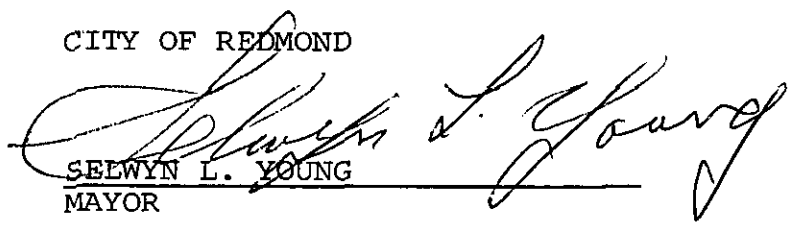
9.12.130 Enforcement. The chief of the fire department or his duly authorized representative is hereby designated as the enforcing officer of this chapter, in addition to all the grounds for revocation of permits set forth in the general provisions of this chapter, any failure or refusal of the permittee to comply with the reasonable and proper orders and directions of the enforcing officer concerning the sale or public display of fireworks shall be grounds for the revocation of any permit issued hereunder.

Section 9. Sections 9.12.140 and 9.12.150 of the Redmond Municipal Code are hereby repealed.


Section 10. This ordinance shall take effect and be in force five (5) days after the date of its publication in the manner provided by law.

PASSED by the Council of the City of Redmond, Washington, at a regular meeting thereof, AND APPROVED by the Mayor this 16 day of March, 1971.

CITY OF REDMOND


SELWYN L. YOUNG
MAYOR

ATTEST:


ELEANOR J. HAYDEN
CITY CLERK

APPROVED AS TO FORM:


JOHN D. LAWSON
CITY ATTORNEY

Published in the Sammamish Valley News on 3-31-71.

12 November, 1970

Lawson

To: Mayor Young
Redmond City Council

From: Fireworks Ordinance Study Committee

Subject: Chapter 9.12, Redmond Municipal Code - FIREWORKS

Gentlemen, on Thursday, October 22, this Committee met with City Attorney John Lawson for the purpose of updating the current Fireworks Ordinance. The following recommendations for changes in this Ordinance are presented for your review and possible incorporation into the statute.

Note: Concepts offered here are not presented in the required legal language!

9.12.060 Issuance--Nontransferable--Voiding. Each permit issued under this chapter shall be for only one retail outlet and, in the interests of the public peace, safety, morality and good order, there shall be issued ~~not more than two retail permits~~ one permit for each 5,000 citizens, or portion thereof, in any one year. (Section continues.)

9.12.070 Application--Conditions for issuance. Applications for permits shall be made to the clerk annually on or after April 1st of the year for which the permit is issued and until April 15th of the year for which the permit is issued; ~~provided, that for the year 1962, applications may be made immediately upon the effective date of the ordinance modified in this chapter,~~ except that the time limitations imposed may be extended by council action. A permit for the sale of safe and sane fireworks shall be issued only upon the following terms and conditions:

(1) ~~The applicant shall be over the age of twenty-one years, of good moral character and of demonstrated responsibility,~~ a non-profit or charitable organization headquartered in the City of Redmond;

(7) Only one permit will be issued to each applicant.

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

(9) Not more than two temporary stands will be located within a radius of one-half mile of any other stands.

9.12.110 Permits issued "first-come, first-served", on basis of past experience.

In the event there are more applications for licenses than there are licenses available, then licenses shall be granted to those ~~first applying~~ who have demonstrated, through immediate past experience, responsible fulfillment of provisions of this chapter. Holders of remaining applications shall receive licenses on the basis of random selection conducted by the clerk.

9.12.130 Enforcement. The ~~chief-of-police~~ fire chief or his duly authorized representative is hereby designated as the enforcing officer of this chapter, in addition to all the grounds for the revocation of a fireworks permit.