



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND**

**AB 6467
May 7, 2024
Regular Business**

AGENDA BILL INFORMATION

TITLE:	AB 6467: Permanent Fireworks Ban (Ordinance No. 24C-10 First Reading)	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
RECOMMENDED ACTION:	Schedule Ordinance No. 24C-10 for second reading and adopted on May 21, 2024.	

DEPARTMENT:	City Manager
STAFF:	Jessi Bon, City Manager Ben Lane, Eastside Fire & Rescue Fire Chief Ed Holmes, Police Chief Robbie Cunningham Adams, Management Analyst Amelia Tjaden, Project Coordinator
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Ordinance No. 24C-10 2. 2024 Order Prohibiting Discharge of Fireworks Due to Extreme Fire Danger 3. Emergency Proclamation Related to Potable Water Supply, Proclamation No. 329
CITY COUNCIL PRIORITY:	n/a

AMOUNT OF EXPENDITURE	\$ n/a
AMOUNT BUDGETED	\$ n/a
APPROPRIATION REQUIRED	\$ n/a

EXECUTIVE SUMMARY

The purpose of this agenda bill is to conduct a first reading of Ordinance No. 24C-10, instituting a permanent ban on the discharge and sale of fireworks.

- Mercer Island City Code currently allows for the sale and discharge of consumer fireworks within the City during specified days.
- A draft ordinance has been prepared that prohibits the sale and discharge of fireworks within the City (see Exhibit 1) and is being brought forward at the recommendation of the City Manager.
- The proposed ordinance is more restrictive than state law, thus it cannot take effect for one year after adoption. The City will continue to permit appropriate public fireworks displays that meet City code requirements, such as the annual Summer Celebration fireworks display.
- Due to the May 1, 2024 fireworks use ban (Exhibit 2), it will be illegal to discharge fireworks on Mercer Island this year, including on July 4. However, it will remain legal to sell fireworks on Mercer

Island June 28, 2024, from noon to 9:00 p.m., and from June 29, 2024 through July 4, 2024 from 9:00 a.m. to 9:00 p.m.

BACKGROUND

State law (chapter [70.77 RCW](#)) governs the regulation of fireworks, including which fireworks are legal, licensing for public fireworks displays and for fireworks sellers, and when fireworks may be discharged. Any local ordinance restricting when consumer fireworks may be sold or discharged, or prohibiting their sale and discharge, may not take effect until at least one year after adoption, per [RCW 70.77.250\(4\)](#).

Mercer Island City Code [chapter 8.35 Explosives and Fireworks](#) sets the regulations for the sale and discharge of consumer fireworks on the Island. Currently, the sale and purchase of consumer fireworks are allowed on June 28, from noon to 9:00 p.m. and from June 29 through July 4, from 9:00 a.m. to 9:00 p.m. The discharge of fireworks is allowed within the City on July 4 of each year between 11:00 a.m. and 11:00 p.m. Chapter 8.35 MICC also regulates public displays of fireworks.

Due to concerns about public safety and illegal use, most cities in King County have implemented bans on the sale and discharge of consumer fireworks within their jurisdictions.

ISSUE/DISCUSSION

Proposed Ordinance No. 24C-10

At the recommendation of the City Manager, with the support of the Fire Chief and the Police Chief, Ordinance No. 24C-10 (Exhibit 1) has been prepared to institute a permanent ban on the sale and discharge of unpermitted fireworks. The ordinance prohibits the sale and discharge of fireworks within the City, details the minimum standards for public displays of fireworks, and explains the application process to receive a permit for a public display. As the ordinance is more restrictive than state law, it cannot take effect until one year after adoption. Any person who violates any provision of this ordinance shall be liable for the payment of a civil penalty in the amount of \$500 for each violation.

The proposal to ban fireworks comes at a time when risks associated with fireworks – significant increases in the chances of the ignition of fires, depletion of water resources, and major fire spread – have grown greatly. The [Climate Action Plan](#), adopted on April 4, 2023, states that hotter, drier summers are making wildfire increasingly likely, increasing the public safety risk that fireworks pose to the City. City Council recently received a presentation from Eastside Fire & Rescue on increased wildfire risk in the region and strategies the community can take to mitigate the risk of wildfire on the island ([AB 6445](#)).

Most cities in the region have banned the use and sale of fireworks, and the City last year was featured in a regional news story and identified as a local outlier on fireworks regulations. This puts the City at risk of being a regional destination for the use and sale of fireworks, putting further strain on public safety and water resources.

The City will continue to permit appropriate public fireworks displays that meet City code requirements, such as the annual Summer Celebration fireworks display. Under the city code requirements, these professionally managed public fireworks displays have significantly lower impact to City public safety and water resources.

Since a local ordinance restricting when consumer fireworks may be sold or discharged, or prohibiting their sale and discharge, may not take effect until at least one year after adoption, the changes made by this ordinance will not come into effect until 2025.

2024 Emergency Fireworks Ban

MICC 8.35.040 permits the local fire official to prohibit the discharge of all fireworks during periods of extreme fire danger on Mercer Island. On May 1, 2024, the Fire Chief issued an order prohibiting the discharge of fireworks due to extreme fire danger (see Exhibit 2). This order comes alongside Emergency Proclamation No. 329, declared on May 1, 2024 (see Exhibit 3), in response to the reduction in the supply of incoming potable water to Mercer Island caused by SPU's primary water supply pipeline to Mercer Island being down.

The SPU water supply pipeline which provides most of the water to Mercer Island is out of service indeterminately. A smaller backup pipeline is currently providing water in place of the main pipeline; however, this backup pipeline will not maintain summer water demand and it is likely water conservation efforts will need to be enacted to manage daily demands. Water conservation will ensure the Island's water demand does not exceed the supply provided by the backup pipeline and that City reservoirs will continue to meet resident needs while sustaining water quality, safety, and fire-fighting requirements. The use of consumer fireworks greatly heightens the risk of fire ignition and threatens to diminish the City's water supply below levels necessary to support critical fire suppression operations.

Due to the May 1, 2024 fireworks use ban, it will be illegal to discharge consumer fireworks in Mercer Island this year on July 4th; however, it will remain legal to sell consumer fireworks on Mercer Island on June 28, 2024, from noon to 9:00 p.m. and from June 29, 2024 through July 4, 2024 from 9:00 a.m. to 9:00 p.m. The Fire Chief's authority to prohibit discharge of fireworks during periods of extreme fire danger does not extend to prohibiting sale of fireworks.

NEXT STEPS

Staff are requesting the Council conduct a first reading of Ordinance No. 24C-10 updating the Fireworks Code. Schedule second reading and adoption for May 21, 2024. Should the Council adopt the ordinance on May 21, staff will develop an education campaign to inform the community and region about the upcoming permanent ban on consumer fireworks on Mercer Island in 2025.

Staff will also continue to share information about the 2024 emergency fireworks use ban through the City's regular communications channels.

RECOMMENDED ACTION

Schedule second reading and adoption of Ordinance No. 24C-10 for May 21, 2024