

Chapter 8.30 FIREWORKS

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8.30.010 Findings.

A. Chapter 70.77 RCW and Chapter 212-17 WAC provide uniform statewide regulations for the licensing of the sellers of fireworks by local jurisdictions and the sale of fireworks to and possession and use of fireworks by consumers.

B. Cognizant of the legitimate interest the state legislature has in making uniform laws in the exercise of its power to regulate commerce, the city finds that the state law does not adequately serve the overriding interests of protecting the personal safety and property of the community and preserving the precious emergency resources of the locality; and that restrictions on the sale and use of fireworks are necessary in the exercise of the city's constitutional powers to promote the health, safety, and quiet enjoyment of life and general welfare of the citizens of Snoqualmie. (Ord. 978 § 1, 2005; Ord. 694 § 1, 1992).

8.30.020 Activities requiring permit.

A. Within the corporate limits of the city, in addition to a license issued by the Office of the State Fire Marshal, Washington State Patrol, a city permit shall be required to:

1. Manufacture, import, possess (except as provided below) or sell any fireworks at wholesale or retail for any use;
2. Transport fireworks, except as a public carrier delivering to a licensee; or
3. Establish or maintain a place where fireworks are manufactured, constructed, produced, packaged, stored, sold, exchanged, discharged, or used.

B. A permit is not required for the possession or use of common fireworks lawfully purchased at retail.

C. Public display of fireworks shall be limited to city-sponsored events, and shall require a special event permit pursuant to Chapter 12.20 SMC. (Ord. 978 § 2, 2005; Ord. 694 § 1, 1992).

8.30.030 Application for permit.

A. An applicant for any permit required under this chapter shall make written application to the fire chief, at least 30 days prior to commencement of the activity for which the permit is sought. The form of application and the criteria for issuance, denial, or issuance with conditions shall be the same as used by the Office of the State Fire Marshal, Washington State Patrol, in processing applications for the corresponding state license, except in the case of an application for the retail sale of fireworks. It is the intent of this subsection that local permits follow the provisions and procedures for state licenses as closely as practical.

B. An applicant for a permit for the retail sale of fireworks shall submit to the fire chief proof of a current license from the State Fire Marshal. In addition, the applicant is required to show the existence of a comprehensive general liability insurance policy and a bond as specified herein. The applicant is also required to tender the permit fee as specified in SMC 8.30.040.

C. Should the fire chief find an application to be complete and in compliance with all the requirements of state statute and regulations and this chapter, the chief shall file the application with the city council along with a recommendation for its grant or denial. (Ord. 978 § 3, 2005; Ord. 694 § 1, 1992).

8.30.040 Permit fee.

The annual permit fee for the sale of fireworks shall be \$25.00 per year, per stand, outlet or public display, payable in advance. A city business license shall be required and applicable business and occupations tax shall be paid. (Ord. 978 § 4, 2005; Ord. 694 § 1, 1992).

8.30.050 Financial responsibility of retailers.

A. Because the sale of common fireworks presents a clear and present danger of personal injury and property damage from many causes, including not only the storage and handling of explosive devices during sale but also the ultimate use by members of the general public, any person seeking a permit for the retail sale of fireworks in the city must have a public liability insurance policy, as to which the city is named insured, providing coverage in the amount of \$500,000 or more for injuries to any one person in any one accident or occurrence; \$1,000,000 or more for injuries to any two or more persons in any one accident or occurrence; and \$500,000 or more for damage to property in any one accident or occurrence, with no deductible, for all claims for loss and damages arising from personal injury and property damage resulting from the sale of fireworks and all incidental activities, including transportation and storage; the policy to be reviewed and approved by the city attorney.

B. An applicant for a permit to sell retail fireworks shall post a bond in the amount of \$300.00, in a form satisfactory to the city, to ensure that the retail

outlet site is cleared no later than noon on the seventh day of July. (Ord. 978 § 5, 2005; Ord. 694 § 1, 1992).

8.30.060 Requirements for retailers.

A. Notwithstanding RCW 70.77.575 and 70.77.580, every retailer in the city is required to post prominently at each retail outlet a list of the fireworks that may be sold to the public under this chapter. The list is subject to approval by the fire chief.

B. No person may sell fireworks to a person under the age of 16 years.

C. No person may sell fireworks after 10:00 p.m. or before 6:00 a.m. on any day when sales are allowed. No fireworks shall be sold within the city except from 12:00 noon on the twenty-eighth of June to 12:00 noon on the fifth day of July. (Ord. 978 § 6, 2005; Ord. 694 § 1, 1992).

8.30.065 Stand requirements.

In those cases where the sale of fireworks is from a temporary fireworks stand, the stands of all licensees shall conform to the following minimum standards and conditions:

A. Temporary fireworks stands need not comply with the provisions of the building code of the city; provided, however, that all such temporary fireworks stands shall be inspected by the building official before operation may begin. The building official shall require all temporary fireworks stands to be constructed in a safe manner, ensuring the safety of attendants and patrons. In the event any temporary fireworks stand is wired for electricity, then the wiring shall conform to the electrical code of the state. No heating unit or device with a surface temperature capable of igniting fireworks or having an open flame will be allowed within a fireworks stand.

B. No temporary fireworks stand shall be located within 750 feet from any other temporary fireworks stand, or within 50 feet of any building or structure, or within 100 feet of any gasoline-dispensing pump or any tank where flammable liquids or flammable gases are stored.

C. No vehicle parking shall be permitted within 25 feet of a fireworks stand, including curbside parking, and such area shall be roped or barricaded to prevent such parking.

D. No smoking shall be permitted in a temporary fireworks stand or any nearer than 50 feet from the stand. "No Smoking" signs having lettering at least two inches in height shall be posed in a conspicuous location on all four sides of the temporary fireworks stand.

E. No discharge of fireworks shall be permitted within 150 feet of any fireworks stand.

F. The area around such fireworks stands shall be completely free of hazardous accumulations, including dry grass, brush, or debris of any nature, for a distance of not less than 50 feet on all sides.

G. Each temporary fireworks stand must have at least two exits, located remotely from each other, which shall be unobstructed at all times.

H. Each temporary fireworks stand shall have in a readily accessible location not less than two 2A 10B:C rated fire extinguishers provided at each exit. Such extinguishers shall be UL-approved.

I. Each temporary fireworks stand shall be under the direct supervision of a competent adult person, 18 years of age or older. No person under the age of 18 years shall be allowed by the licensee to work in such stand.

J. Fireworks may be left in temporary fireworks stands at night providing the stand is locked and a guard is posted. Such guard shall not stay within the fireworks stand.

K. Fireworks removed from the temporary fireworks stands at night shall be stored in an approved storage location. The storage location shall be approved in advance by the city fire chief or his representative.

L. All unsold stock and accompanying litter shall be removed from the temporary fireworks stand by 5:00 p.m. on the fifth day of July of the permit year.

M. No fireworks stand shall be located on a public right-of-way.

N. All signs relating to temporary fireworks stands shall comply with the city's sign regulations.

O. The licensee's location or place of business shall be governed by the zoning ordinance of the city. (Ord. 978 § 7, 2005; Ord. 694 § 1, 1992).

8.30.070 Sale, purchase or possession of certain fireworks prohibited– Penalty.

A. Licensed retailers may sell and the members of the public may purchase common fireworks as authorized by the Office of the State Fire Marshal, Washington State Patrol. The sale, purchase or possession by any retailer or member of the public of any firework not so authorized by the Office of the State Fire Marshal, Washington State Patrol, is prohibited; provided, this section shall not be deemed to apply to authorized persons conducting the public display of fireworks at city-sponsored events for which a special events permit has been issued by city council.

B. A violation of this section is a gross misdemeanor. (Ord. 978 § 8, 2005; Ord. 694 § 1, 1992).

8.30.080 Fireworks prohibited in public parks– Penalty.

A. No person may possess, discharge, or make any other use of any fireworks in any public park, except authorized persons conducting the public display of fireworks at city-sponsored events for which a special events permit has been issued by city council.

B. A violation of this section is a misdemeanor. (Ord. 978 § 9, 2005; Ord. 694 § 1, 1992).

8.30.090 Unlawful discharge of fireworks– Penalty.

A. No common fireworks shall be discharged within the city except from 6:00 p.m. on the fourth day of July to 11:00 p.m. on the fourth day of July of each year, except for the public display of fireworks at city-sponsored events for which a special events permit has been issued by city council.

B. Common fireworks may be used or discharged on December 31st from 10:00 p.m. to January 1st until 12:30 a.m.

C. A violation of this section is a misdemeanor. (Ord. 978 § 10, 2005; Ord. 750 § 1, 1995; Ord. 694 § 1, 1992).

8.30.100 Reckless discharge of fireworks– Penalty.

A. 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 property of another.

B. A violation of this section is a gross misdemeanor. (Ord. 694 § 1, 1992).

8.30.110 Unlawful possession of fireworks– Penalty.

It is unlawful to possess those fireworks listed in SMC 8.30.070. A violation of this section is:

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

B. A gross misdemeanor if involving one pound or more of fireworks, exclusive of external packaging. (Ord. 694 § 1, 1992).

8.30.120 Seizure of fireworks.

Any fireworks which are illegally sold, offered for sale, used, discharged, possessed or transported in violation of this chapter shall be subject to seizure by the city's fire chief or his designee or the chief of police or his designee or the State Fire Marshal. Any fireworks seized may be disposed of by the city's fire chief or designee or the police chief or designee at any time subsequent to 30 days from such seizure. (Ord. 694 § 1, 1992).

8.30.130 Enforcing officer– Revocation of license.

The city fire chief, or his duly authorized representative, is hereby designated the enforcing officer of this chapter. Any failure or refusal on the part of the licensee to obey any rule, regulation or request relating thereto of the city fire chief or his duly authorized representative concerning the sale or display of fireworks, shall be deemed a violation of this chapter and be grounds for the revocation of the fireworks license. (Ord. 694 § 1, 1992).

8.30.140 Purpose and intent– Liability.

A. It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this chapter.

B. It is the specific intent of this chapter that no provision nor any term used in this chapter is intended to impose any duty whatsoever upon the city or any of its officers or employees, for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.

C. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of the city, or its officers,

employees or agents, for any injury or damage resulting from the failure of a permittee to comply with the provisions of this chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement pursuant to this chapter, or by reason of any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees or agents. (Ord. 694 § 1, 1992).