

CITY OF STEVENSON, WASHINGTON
ORDINANCE NO. 2023-11XX

AN ORDINANCE AMENDING TITLE 8 OF THE STEVENSON MUNICIPAL CODE ADDING
CHAPTER 8.58 AUTHORIZING THE **MAYOR/FIRE CHIEF/FIRE MARSHALL** TO
PROHIBIT FIREWORKS DISCHARGE DURING TIMES OF EXTREME FIRE DANGER

Whereas, Chapter 70.77 RCW, the State Fireworks Law, regulates/governs the purchase, sale and discharge of fireworks; and

Whereas, RCW 70.77.250(4) permits cities to adopt ordinances with more strict regulations of fireworks than state law, provided such ordinances may not have an effective date sooner than one year after their adoption; and

Whereas, the City Council desires to authorize the **Mayor/Fire Chief/Fire Marshall** to prohibit personal fireworks discharge during times of extreme fire danger; and

Whereas, the basis of the decision to restrict fireworks will be based on metrics identified as reasonable to protect the community at large; science to take emotions out of the decision; and

Whereas, the Ceity is within Skamania County and it is in the best interest of the community to work towards a standardized decision-making tool for cohesive decision making in an environment where fire knows no jurisdictional boundaries;

Whereas, the purpose of this Ordinance is not to place a ban or restriction on the sale of fireworks greater than the restrictions set forth in RCW 70.77, but to protect the real and personal property of the residents of the City when appropriate; and

Whereas, a public hearing on the proposed revisions was held before the City Council on _____.

NOW, THEREFORE, the City Council of the City of Stevenson do hereby ordain as follows:

Section 1. Stevenson Municipal Code Title 8 is amended to add a new section as follows:

Chapter 8.58 – FIREWORKS

8.58.010 – RCW adopted.

Except as otherwise provided herein, Chapter 70.77 RCW, the State Fireworks Law, is hereby adopted by reference, including all future amendments or additions thereto.

8.58.020 – Definitions.

The definitions of Chapter 70.77 RCW as now stated or hereafter amended shall govern the construction of this Chapter, when applicable.

(1) “Extreme fire danger” means

- a. Ten-hour fuels of 8% or less.
- b. Relative humidity less than 25% for several hours.
- c. Winds 20 feet off the ground of at least 15 mph for several hours.

(1)(2) “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 person 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 the hindrance to the prevention of or extinguishment of fire.

8.58.020 – Emergencies-Restrictions on use.

The Mayor/Fire Chief/Fire Marshall, after consulting with the Fire Chief, Fire Marshall, and other officials as may be deemed appropriate, may issue an Order prohibiting the discharge of consumer personal fireworks during periods of extreme fire danger. For the purposes of this chapter, the term “extreme fire danger” shall mean:

- Ten-hour fuels of 8% or less.
- Relative humidity less than 25% for several hours.
- Winds 20 feet off the ground of at least 15 mph for several hours.

It is during this period that wildland fires can be expected, and fire growth will be accelerated.

Section 2. If any section, subsection, sentence, clause, phrase, or other portion of this ordinance, or its application to any person, is, for any reason, declared invalid, in whole or in part, by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions thereof.

THIS ORDINANCE SHALL TAKE EFFECT and be in force one (1) year after its publication according to law.

PASSED BY THE CITY COUNCIL this _____ day of _____, 2023.

Scott Anderson, Mayor

APPROVED AS TO FORM:

ATTEST:

Robert C. Muth
City Attorney

Leana Kinley, City Clerk