

SULTAN CITY COUNCIL AGENDA ITEM COVER SHEET

ITEM NO: A-5
DATE: April 23, 2009
SUBJECT: First Reading Ordinance 1037-09 Fireworks Regulation
CONTACT PERSON: Deborah Knight, City Administrator

ISSUE:

The issue before the City Council is First Reading of Ordinance No. 1037-09 regulating the sale and discharge of fireworks.

STAFF RECOMMENDATION:

Have First Reading of Ordinance 1037-09 repealing chapter 8.06 “fireworks” of the Sultan Municipal Code and enacting a new chapter 8.06 titled “fireworks”; adopting state law; establishing regulations and permits for the public display and retail sales of fireworks; providing for civil and criminal penalties and enforcement; providing for severability; and establishing an effective date.

SUMMARY:

The City Council discussed the issue of banning the sale and discharge of fireworks following Fourth of July festivities last year. The Council directed staff to bring back the issue for discussion in 2009.

The City Council further discussed the sale of discharge of fireworks at the Council meeting on March 26, 2009 and directed staff to return with an adopting ordinance to allow the sale and discharge of common fireworks subject to the limitations imposed by chapter 70.77 RCW.

Ordinance No. 1037-09:

- Repeals the existing code which bans discharging fireworks except through public displays authorized by the City:
- Allows the sale and discharge of common fireworks consistent with state law.
- Requires a permit issued by the City Council for public display of fireworks
- Requires a permit issued by the City at the staff level for retail sales of fireworks

- Requires an inspection by the building official or designee of any structure or building intended for retail activity, wholesales activity, manufacturing activity, fireworks storage or public display of fireworks.
- Requires activities to be conducted in a safe and reasonable manner.
- Provides an appeal of retail permit conditions or denial to the City Council.
- Provides conditions for revoking a permit.
- Establishes misdemeanor penalties of up to \$1000 and 90 days in jail.

BACKGROUND:

Local Authority¹

Subject to the limitations imposed by chapter 70.77 RCW, a city or county may ban fireworks; or a city or county may restrict the dates of sale, purchase, possession and use of fireworks; or a city or county may restrict the types of fireworks that may be sold and purchased within its boundaries.

Counties and cities can be more restrictive than state restrictions and can even ban all sale and discharge of fireworks, but they cannot be more liberal. The state supreme court held in *Brown v. Yakima*², that the state fireworks law does not prevent a local government from enacting an ordinance more restrictive than state law.

Any local rules that are more restrictive may be effective no sooner than one year from their adoption. RCW 70.77.250(4).

The state preempts the authority of local jurisdictions with respect to the retail sale and associated storage of common fireworks from temporary structures.

About Fireworks Regulations in Washington

Fireworks regulation is largely governed by the state fireworks law, Chapter 70.77 RCW and the administrative regulations adopted by the Washington State Patrol, Chapter 212-17 WAC.

RCW 70.77.250(1) provides that "the chief of the Washington state patrol, through the director of fire protection, shall enforce and administer this chapter."

Additionally, though federal law does not directly cover local use of fireworks, the Washington statutes defining various classifications of fireworks incorporate classifications adopted by the United States Department of Explosives.

¹ <http://www.mrsc.org/Subjects/PubSafe/firewk.aspx> and <http://www.wsp.wa.gov/fire/fwlicense.htm>

² 116 Wn.2d 556 (1991),

In short, this is an area where local governments need to be careful concerning what they can and cannot regulate.

Dates and Times Fireworks May Be Sold or Discharged

State law (RCW 70.77.395) sets the allowable times for sale or discharge of fireworks. Fireworks may be **sold and purchased**:

- (1) from noon to 11 p.m. on June 28
- (2) from 9 a.m. to 11 p.m. on June 29 through July 4
- (3) from 9 a.m. to 9 p.m. on July 5
- (4) from noon to 11 p.m. on December 27 through December 31.

Fireworks may be **used and discharged**:

- (1) from noon to 11 p.m. on June 28
- (2) from 9 a.m. to 11 p.m. on June 29 through July 3
- (3) from 9 a.m. to midnight on July 4
- (4) from 9 a.m. to 11 p.m. on July 5
- (5) from 6 p.m. on December 31 to 1 a.m. on January 1

State Licenses and Local Government Permits

Any individual or company wanting to manufacture, import or sell fireworks, or make a public display of fireworks, needs a state license and a permit from the appropriate local government jurisdiction (city or county) where the action is to take place. See RCW 70.77.255 and 70.77.315.

There are bonding and insurance requirements for any individual or company putting on a public fireworks display - see RCW 70.77.355. There are also insurance requirements for retail fireworks stands - see RCW 70.77.270(3).

Retail Stands for Sale of Fireworks

The state regulates temporary or permanent structures where fireworks are sold or stored:

WAC 212-17-21505 - The state of Washington fully regulates the construction and use of temporary and permanent structures for the retail sale and storage of fireworks

including the location of and areas surrounding structures and the operation of and cleanup after use of pursuant to RCW 70.77.270.

The state preempts the authority of local jurisdictions with respect to the retail sale and associated storage of common fireworks from temporary structures.

If a city or county allows the sale of fireworks classified as common fireworks from temporary structures these rules preempt that city's or that county's authority to enact or enforce any other regulations. There are state regulations dealing with the siting and setbacks required of retail fireworks stands - see RCW 70.77.270.

FISCAL IMPACT:

If the Council chooses to allow the sale and discharge of fireworks there could be a very negligible impact on sales tax revenues. The City of Sultan typically has one fireworks stand during the allowed times through the Fourth of July.

RECOMMENDED ACTION:

Have First Reading of Ordinance 1037-09 repealing chapter 8.06 "fireworks" of the Sultan Municipal Code and enacting a new chapter 8.06 titled "fireworks"; adopting state law; establishing regulations and permits for the public display and retail sales of fireworks; providing for civil and criminal penalties and enforcement; providing for severability; and establishing an effective date.

ATTACHMENT(S):

A – Ordinance No. 1037-09

B – RCW 70.77

C - Current Sultan Fireworks Regulations Chapter 8.06 Use of Fireworks

D- Sample fireworks regulations from the cities of Stanwood and Lake Stevens

**CITY OF SULTAN
WASHINGTON
ORDINANCE NO. 1037-09**

AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON, REPEALING CHAPTER 8.06 “FIREWORKS” OF THE SULTAN MUNICIPAL CODE AND ENACTING A NEW CHAPTER 8.06 TITLED “FIREWORKS”; ADOPTING STATE LAW; ESTABLISHING REGULATIONS AND PERMITS FOR THE PUBLIC DISPLAY AND RETAIL SALES OF FIREWORKS; PROVIDING FOR CIVIL AND CRIMINAL PENALTIES AND ENFORCEMENT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Chapter 70.77 RCW authorizes the City to regulate the sale and discharge of fireworks within the City and

WHEREAS, the City Council discussed allowing the sale and discharge of fireworks within the City on March 26, 2009; and

WHEREAS, City Council wants to ensure firework related activities are conducted in a safe and reasonable manner;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Repealer. The existing SMC Chapter 8.06 “Fireworks” is hereby repealed in its entirety.

Section 2. New Chapter 8.06. A new Chapter 8.06 “Fireworks” is hereby enacted as set forth in Exhibit A.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE _____
_____ DAY OF _____, 2009.

CITY OF SULTAN

Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:

Laura Koenig, City Clerk

Approved as to form:

Margaret J. King, City Attorney

Ordinance No. 1037-09
Passed by the City Council:
Date of Publication:
Effective Date:

City of Sultan

Chapter 8.06 Fireworks

Sections:

- 8.06.010 Purpose.
- 8.06.020 State law adopted.
- 8.06.030 City – Local public agency – Local government – Defined.
- 8.06.040 Public display - Permit required.
- 8.06.050 Retail sales – Permit required.
- 8.06.060 Inspections required
- 8.06.070 Activities to be conducted in a safe and reasonable manner.
- 8.06.080 Permit - Appeal
- 8.06.090 Permit revocation.
- 8.06.100 Violation - Penalty
- 8.06.110 Severability.

8.06.010 Purpose.

It is the intent of this chapter to provide a procedure for the granting of permits, and the possession, sale and discharge of fireworks

8.06.020 State law adopted.

Chapter 70.77 RCW pertaining to fireworks is adopted by this chapter by reference as though stated in its entirety in this chapter.

8.06.030 City – Local public agency – Local government – Defined.

The terms “city,” “local public agency,” and “local government,” as used in the sections of Chapter 70.77 RCW that are adopted by reference in this chapter, shall mean the city of Sultan.

8.06.040 Public display – Permit required

A permit for a public display of fireworks may be issued by the city council if and when they deem it advisable. The city may place reasonable conditions on any permit issued.

8.06.050 Retail sales - Permit required.

It is unlawful for any person, firm, partnership or corporation to engage in the retail sale of fireworks within the city without first having obtained a permit from the city. Application for a permit shall be made in writing accompanied by a permit fee as established in the city’s fee schedule as adopted by resolution. The city may place reasonable conditions on any permit issued.

8.06.060 Inspections required.

Prior to the issuance of any permit, the building official or his or her designee shall perform an inspection of any structure or building intended for retail activity, wholesale activity, manufacturing activity, fireworks storage, or public display of fireworks, to determine whether

such structures or buildings comply with the requirements of the Revised Code of Washington, the Washington Administrative Code or the city code. No permit shall be issued until such structures or buildings comply with applicable laws.

8.06.070 Activities to be conducted in a safe and reasonable manner.

(1) All retailers of fireworks or persons publicly displaying fireworks shall be responsible for conducting activities in a manner that is safe and responsible and in compliance with all federal, state, and local laws and regulations. The issuance of any permit required by this chapter shall in no way relieve any person from the duty of complying with all federal, state, and local laws and regulations or conducting activities in a safe and reasonable manner. The issuance of a permit shall not be deemed an endorsement by the city of Sultan of the activity engaged in.

(2) The city shall not be liable to any person, corporation, entity or holder of property for any damage that is caused by or derived from the display of fireworks, and the person displaying fireworks assumes all risks of such display, and shall hold the city and its employees and officials harmless from any and all claims or causes of action for damage caused by or derived from such display.

8.06.080 Retail Permit - Appeal

The person applying for a retail permit to sell fireworks may appeal in writing the denial of the permit or the conditions of the permit to the City Council. The appeal shall be based solely upon written information provided by the applicant, and no hearing shall be required. The determination of the City Council of the appeal shall be final.

8.06.090 Permit revocation.

Violations of any provision of Chapter 70.77 RCW, this chapter, or a permit issued hereunder, or any failure or refusal on the part of the permittee to obey any rule, regulation or request of the fire chief or his or her designee concerning fireworks, shall be grounds for the revocation of a fireworks permit.

8.06.100 Penalty.

Except as otherwise provided in this chapter, any person violating any provision of this chapter or any permit issued pursuant to this chapter is guilty of a misdemeanor punishable by imprisonment for a maximum term fixed by the court of not more than 90 days, or by a fine in an amount fixed by the court of not more than \$1,000, or by both such imprisonment and fine. A person is guilty of a separate offense for each day or occurrence during which he or she commits, continues, or permits a violation of any provision of, or permit issued under, this chapter. The inclusion in this chapter of criminal penalties does not preclude enforcement of this chapter through civil means.

8.06.110 Severability.

This chapter is severable and if any portion of it shall be declared invalid or unconstitutional, the remaining portion shall remain valid and enforceable.

**Chapter 70.77 RCW
STATE FIREWORKS LAW**

RCW SECTIONS

- [70.77.111](#) Intent.
- [70.77.120](#) Definitions -- To govern chapter.
- [70.77.124](#) Definitions -- "City."
- [70.77.126](#) Definitions -- "Fireworks."
- [70.77.131](#) Definitions -- "Display fireworks."
- [70.77.136](#) Definitions -- "Consumer fireworks."
- [70.77.138](#) Definitions -- "Articles pyrotechnic."
- [70.77.141](#) Definitions -- "Agricultural and wildlife fireworks."
- [70.77.146](#) Definitions -- "Special effects."
- [70.77.160](#) Definitions -- "Public display of fireworks."
- [70.77.165](#) Definitions -- "Fire nuisance."
- [70.77.170](#) Definitions -- "License."
- [70.77.175](#) Definitions -- "Licensee."
- [70.77.177](#) Definitions -- "Local fire official."
- [70.77.180](#) Definitions -- "Permit."
- [70.77.182](#) Definitions -- "Permittee."
- [70.77.190](#) Definitions -- "Person."
- [70.77.200](#) Definitions -- "Importer."
- [70.77.205](#) Definitions -- "Manufacturer."
- [70.77.210](#) Definitions -- "Wholesaler."
- [70.77.215](#) Definitions -- "Retailer."
- [70.77.230](#) Definitions -- "Pyrotechnic operator."
- [70.77.236](#) Definitions -- "New fireworks item."
- [70.77.241](#) Definitions -- "Permanent storage" -- "Temporary storage."
- [70.77.250](#) Chief of the Washington state patrol to enforce and administer -- Powers and duties.
- [70.77.252](#) Civil penalty -- Notice -- Remission, mitigation, review.
- [70.77.255](#) Acts prohibited without appropriate licenses and permits -- Minimum age for license or permit -- Activities permitted without license or permit.

- [70.77.260](#) Application for permit.
- [70.77.265](#) Investigation, report on permit application.
- [70.77.270](#) Governing body to grant permits -- Statewide standards -- Liability insurance.
- [70.77.280](#) Public display permit -- Investigation -- Governing body to grant -- Conditions.
- [70.77.285](#) Public display permit -- Bond or insurance for liability.
- [70.77.290](#) Public display permit -- Granted for exclusive purpose.
- [70.77.295](#) Public display permit -- Amount of bond or insurance.
- [70.77.305](#) Chief of the Washington state patrol to issue licenses -- Registration of in-state agents.
- [70.77.311](#) Exemptions from licensing -- Purchase of certain agricultural and wildlife fireworks by government agencies -- Purchase of consumer fireworks by religious or private organizations.
- [70.77.315](#) Application for license.
- [70.77.320](#) Application for license to be signed.
- [70.77.325](#) Annual application for a license -- Dates.
- [70.77.330](#) License to engage in particular act to be issued if not contrary to public safety or welfare -- Transportation of fireworks authorized.
- [70.77.335](#) License authorizes activities of sellers, authorized representatives, employees.
- [70.77.340](#) Annual license fees.
- [70.77.343](#) License fees -- Additional.
- [70.77.345](#) Duration of licenses and retail fireworks sales permits.
- [70.77.355](#) General license for public display -- Surety bond or insurance -- Filing of license certificate with local permit application.
- [70.77.360](#) Denial of license for material misrepresentation or if contrary to public safety or welfare.
- [70.77.365](#) Denial of license for failure to meet qualifications or conditions.
- [70.77.370](#) Hearing on denial of license.
- [70.77.375](#) Revocation of license.
- [70.77.381](#) Wholesalers and retailers -- Liability insurance requirements.
- [70.77.386](#) Retailers -- Purchase from licensed wholesalers.
- [70.77.395](#) Dates and times consumer fireworks may be sold or discharged -- Local governments may limit, prohibit sale or discharge of fireworks.
- [70.77.401](#) Sale of certain fireworks prohibited.
- [70.77.405](#) Authorized sales of toy caps, tricks, and novelties.

- [70.77.410](#) Public displays not to be hazardous.
- [70.77.415](#) Supervision of public displays.
- [70.77.420](#) Permanent storage permit required -- Application -- Investigation -- Grant or denial -- Conditions.
- [70.77.425](#) Approved permanent storage facilities required.
- [70.77.430](#) Sale of stock after revocation or expiration of license.
- [70.77.435](#) Seizure of fireworks.
- [70.77.440](#) Seizure of fireworks -- Proceedings for forfeiture -- Disposal of confiscated fireworks.
- [70.77.450](#) Examination, inspection of books and premises.
- [70.77.455](#) Licensees to maintain and make available complete records -- Exemption from public records act.
- [70.77.460](#) Reports, payments deemed made when filed or paid or date mailed.
- [70.77.480](#) Prohibited transfers of fireworks.
- [70.77.485](#) Unlawful possession of fireworks -- Penalties.
- [70.77.488](#) Unlawful discharge or use of fireworks -- Penalty.
- [70.77.495](#) Forestry permit to set off fireworks in forest, brush, fallow, etc.
- [70.77.510](#) Unlawful sales or transfers of display fireworks -- Penalty.
- [70.77.515](#) Unlawful sales or transfers of consumer fireworks -- Penalty.
- [70.77.517](#) Unlawful transportation of fireworks -- Penalty.
- [70.77.520](#) Unlawful to permit fire nuisance where fireworks kept -- Penalty.
- [70.77.525](#) Manufacture or sale of fireworks for out-of-state shipment.
- [70.77.530](#) Nonprohibited acts -- Signal purposes, forest protection.
- [70.77.535](#) Articles pyrotechnic, special effects for entertainment media.
- [70.77.540](#) Penalty.
- [70.77.545](#) Violation a separate, continuing offense.
- [70.77.547](#) Civil enforcement not precluded.
- [70.77.548](#) Attorney general may institute civil proceedings -- Venue.
- [70.77.549](#) Civil penalty -- Costs.
- [70.77.550](#) Short title.
- [70.77.555](#) Local permit and license fees -- Limits.
- [70.77.575](#) Chief of the Washington state patrol to provide list of consumer fireworks that may be sold to the public.

[70.77.580](#) Retailers to post list of consumer fireworks.

Attachment C

City of Sultan

Chapter 8.06 USE OF FIREWORKS

Sections:

8.06.010 Use of fireworks.

8.06.020 Violation – Penalty.

8.06.030 Severability.

8.06.010 Use of fireworks.

No persons shall use, ignite or discharge any fireworks except between the hours of 9:00 a.m. and 11:00 p.m. on July 4th for the 1992 calendar year. Exception may be made for public displays authorized by the city pursuant to the state fireworks law (Chapter 70.77 RCW). (Ord. 582 § 1, 1992)

8.06.020 Violation – Penalty.

Any person violating any of the provisions of this chapter, shall be guilty of a misdemeanor and upon a conviction thereof, shall be fined in a sum not to exceed \$250.00. (Ord. 582 § 1, 1992)

8.06.030 Severability.

This chapter is severable and if any portion of it shall be declared invalid or unconstitutional, the remaining portion shall remain valid and enforceable. (Ord. 582 § 1, 1992)

Attachment D

City of Stanwood

Chapter 5.04

FIREWORKS

Sections:

- [5.04.010](#) Purpose.
- [5.04.020](#) State law adopted.
- [5.04.030](#) Public display license.
- [5.04.050](#) License – Required.
- [5.04.060](#) Sale date, hours.
- [5.04.070](#) License – Issuance prerequisite.
- [5.04.080](#) License – Application – Insurance required.
- [5.04.090](#) License – Renewal – Preference.
- [5.04.100](#) License – Number.
- [5.04.110](#) Stands – Operation.
- [5.04.120](#) Stands – Temporary.
- [5.04.130](#) Penalties for violations.

5.04.010 Purpose.

It is the intent of this chapter to provide a procedure for the granting of licenses, and the possession, sale and discharge of **fireworks**. (Ord. 636 § 1, 1984; Ord. 243 § 1, 1963).

5.04.020 State law adopted.

Chapter 70.77 RCW pertaining to **fireworks** is adopted by this chapter by reference as though stated in its entirety in this chapter. (Ord. 636 § 2, 1984; Ord. 243 § 2, 1963).

5.04.030 Public display license.

A license for a public display of **fireworks** may be issued by the city council if and when they deem it advisable. (Ord. 636 § 3, 1984; Ord. 243 § 3, 1963).

5.04.050 License – Required.

It is unlawful for any person, firm, copartnership or corporation to engage in the retail sale of **fireworks** within the city without first having obtained a license from the clerk-treasurer. The annual fee to be charged for the issuance of any such retail license shall be \$10.00, which fee shall cover but one retail sales outlet. (Ord. 243 § 5, 1963).

5.04.060 Sale date, hours.

It is unlawful for any person, firm, copartnership or corporation to offer for retail sale, expose for retail sale, sell at retail or use any **fireworks** within the city, except from 12:00 noon on June 28th to 12:00 noon on July 5th of each year. (Ord. 243 § 6, 1963).

5.04.070 License – Issuance prerequisite.

The **fireworks** license shall be issued only to such applicants who meet the following qualifications:

- (1) Nonprofit, charitable, religious or eleemosynary corporations, organized and existing primarily for veteran, patriotic, religious, charitable or civic betterment purposes; and
- (2) The corporation or association has its principal and permanent meeting place in the city, and has been organized and established in the city for a period of at least one year prior to the date application is made for a **fireworks** license. (Ord. 243 § 7, 1963).

5.04.080 License – Application – Insurance required.

Application for a license:

- (1) Shall be made in writing accompanied by a license fee of \$25.00;
- (2) Shall be made on or prior to the third Monday in April of each year. Applicants for any such license shall be notified by the clerk-treasurer of the granting or rejection of their application for license on or before the first Monday in May of each calendar year; and, if any applicants are not granted a license, the fee shall be refunded;
- (3) Shall set forth the proposed location of the **fireworks** stand applied for; and
- (4) Shall be accompanied by an assurance that if the license is issued to applicant, applicant shall, at the time of receipt of such license, deliver to the clerk-treasurer \$50,000 to \$100,000 public liability, and \$5,000 property damage insurance policy, with rider attached to the policy designating the city as an additional assured thereunder. (Ord. 554 § 3(d), 1980; Ord. 243 § 8, 1963).

5.04.090 License – Renewal – Preference.

Applicants for renewal of license shall be given preference over applicants for license by persons not previously licensed, provided that if the holder of the license fails to make application for renewal by the third Monday in April, the preference shall be forfeited. (Ord. 243 § 9, 1963).

5.04.100 License – Number.

No one organization may receive more than one license for **fireworks** sales during any one calendar year. The maximum number of licenses which may be issued pursuant to this chapter during any one calendar year shall not exceed one license for each 1,500 residents of the city, or fraction thereof, according to the last official census. (Ord. 243 § 10, 1963).

5.04.110 Stands – Operation.

No person other than the licensee organization shall operate the stand for which the license is issued, or share or otherwise participate in the benefits of the operation of such stand. (Ord. 243 § 11, 1963).

5.04.120 Stands – Temporary.

All retail sales of “safe and sane” fireworks shall be permitted only from within a temporary fireworks stand, and the sale from any other building or structure is prohibited. Temporary stands shall be subject to the following provisions:

(1) No fireworks stand shall be located within 25 feet of any other building, nor within 50 feet of any gasoline station;

(2) Fireworks stands need not comply with the provisions of the building code of the city; provided however, that all stands shall be erected under the supervision of the fire chief, who shall require that those stands be constructed in a manner and place which shall insure the safety of attendants and patrons. Approved fire extinguishers shall be maintained at stands at all times;

(3) Each stand must have at least two exits;

(4) No fireworks stand shall be located closer than 600 feet to another fireworks stand;

(5) All weeds and combustible material shall be cleared from the location of the stand, including a distance of at least 20 feet surrounding the stand;

(6) “No smoking” signs shall be prominently displayed on the fireworks stand;

(7) Each stand shall be operated by adults only. No fireworks shall be left unattended in a stand;

(8) All unsold stock, accompanying litter, and the fireworks stand shall be removed from the location and the city by 12:00 noon on July 6th of each year. (Ord. 243 § 12, 1963).

5.04.130 Penalties for violations.

Violation of this chapter shall constitute a Class A infraction as defined in SMC [13.01.045](#)(1) and subject the violator to enforcement as set forth therein. (Ord. 1112 § 2, 2001).

City of Lake Stevens

Chapter 9.64 FIREWORKS

Section:

- [9.64.005](#) Definitions
- [9.64.010](#) Limiting the Sales of **Fireworks** (effective until May 11, 2009)
- [9.64.010](#) Limiting the Sales of **Fireworks** (effective on May 12, 2009)
- [9.64.020](#) Limiting the Discharge of **Fireworks** (effective until May 11, 2009)
- [9.64.020](#) Limiting the Discharge of **Fireworks** (effective on May 12, 2009)
- [9.64.030](#) Public Display of **Fireworks**
- [9.64.040](#) Violation and Penalty (effective on May 12, 2009)

9.64.005 Definitions.

Consumer **Fireworks**. Any small device designed to produce visible effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the United States consumer product safety commission, as set forth in 16 C.F.R. parts 1500 and 1507 and including some small devices designed to produce audible effects, such as whistling devices, ground devices containing 50 mg or less of explosive materials, and aerial devices containing 130 mg or less of explosive materials and classified as **fireworks** UN0336 by the United States Department of Transportation at 49 C.F.R. Sec. 172.101. (Ord. 665, Sec. 1, 2002)

9.64.010 Limiting the Sales of **Fireworks** (effective until May 11, 2009).

(a) The sale of consumer **fireworks** is prohibited within the City of Lake Stevens except on the dates and times for each year as follows:

- (1) For the Fourth of July:
 - (i) June 28: 12:00 noon to 11:00 p.m.
 - (ii) June 29 – July 4: 9:00 a.m. to 11:00 p.m.
 - (iii) July 5: 9:00 a.m. to 9:00 p.m.
- (2) For New Year's Eve:
 - (i) December 27 – December 31: 12:00 noon to 11:00 p.m.

(b) Separate **fireworks** stand permits are required for the Fourth of July and for New Year's Eve sales. **Fireworks** stand permits are issued in accordance with the requirements of Title 14 (Land Use Code).

(c) The operator of a **fireworks** stand shall provide a flyer to all purchasers of **fireworks** which identifies the dates and times in which discharge of **fireworks** is allowed within the City of Lake Stevens. The Police Department will develop the flyer, which will be attached to all land use permits issued for **fireworks** stands. The operator shall be responsible for reproducing and distributing the flyer to purchasers. (Ord. 665, Sec. 2, 2002; Ord. 485, 1995)

9.64.010 Limiting the Sales of **Fireworks** (effective on May 12, 2009).

(a) The sale of consumer **fireworks** is prohibited within the City of Lake Stevens except on the dates and times for each year for the Fourth of July as follows:

- (1) June 28: 12:00 noon to 11:00 p.m.
- (2) June 29 – July 4: 9:00 a.m. to 11:00 p.m.

(b) Separate fireworks stand permits are required for the Fourth of July. Fireworks stand permits are issued in accordance with the requirements of Title 14 (Land Use Code).

(c) The operator of a fireworks stand shall provide a flyer to all purchasers of fireworks which identifies the dates and times in which discharge of fireworks is allowed within the City of Lake Stevens. The Police Department will develop the flyer, which will be attached to all land use permits issued for fireworks stands. The operator shall be responsible for reproducing and distributing the flyer to purchasers. (Ord. 774, Sec. 1, 2008; Ord. 665, Sec. 2, 2002; Ord. 485, 1995)

9.64.020 Limiting the Discharge of Fireworks (effective until May 11, 2009).

The use of consumer fireworks is prohibited within the City of Lake Stevens except on the dates and times for each year as follows:

- (a) For the Fourth of July:
 - (1) June 28: 12:00 noon to 11:00 p.m.
 - (2) June 29 – July 3: 9:00 a.m. to 11:00 p.m.
 - (3) July 4: 9:00 a.m. to 12:00 midnight.
 - (4) July 5: 9:00 a.m. to 11:00 p.m.

(b) For New Year's Eve:

(1) From 6:00 p.m. December 31st until 1:00 a.m. January 1st of the subsequent year.

(c) Religious and private organizations may use consumer fireworks at other dates and times during the year, provided the requirements of RCW [70.77.311](#)(2) are met. (Ord. 665, Sec. 2, 2002; Ord. 552, 1997)

9.64.020 Limiting the Discharge of Fireworks (effective on May 12, 2009).

The use of consumer fireworks is prohibited within the City of Lake Stevens except on the dates and times for each year as follows:

(a) For the Fourth of July: July 4: 9:00 a.m. to 12:00 midnight.

(b) Religious and private organizations may use consumer fireworks at other dates and times during the year, provided the requirements of RCW [70.77.311](#)(2) are met. (Ord. 774, Sec. 2, 2008; Ord. 665, Sec. 2, 2002; Ord. 552, 1997)

9.64.030 Public Display of Fireworks.

(a) Permit Required. No public display of fireworks made pursuant to Chapter [70.77](#) RCW may be made without first obtaining the necessary State license(s) and permit(s) from the City of Lake Stevens.

(b) The fee for a public display permit shall be set by Council resolution.

(c) Issuance - Nontransferable - Voiding. Each public display permit issued pursuant to this chapter shall be valid only for the specific authorized public display event only, shall be used only by the designated permittee, and shall be nontransferable. Any transfer or unauthorized use of a permit is a violation of this

chapter and shall void the permit in addition to all other sanctions that may be provided by the City Code. (Ord. 665, Sec. 3, 2002)

9.64.040 Violation and Penalty (effective on *May 12, 2009*).

Unless otherwise provided, any person convicted of violating the provisions of this chapter shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$1,000 or by imprisonment in jail for a term not to exceed 90 days, or by both such fine and imprisonment. (Ord. 774, Sec. 3, 2008)