

Revised By 940 Date: 7-18
ORDINANCE NO. 718

AN ORDINANCE REGULATING THE MANUFACTURE, STORAGE, SALE, AND USE OF FIREWORKS WITHIN THE CITY OF KIRKLAND, PROVIDING EXCEPTIONS, AND PRESCRIBING PENALTIES FOR VIOLATION.

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

Section 1. Definitions.

(a) The term "fireworks" as used in this ordinance shall be held to mean and include any combustible or explosive substance or combination of substances or articles prepared for the purpose of producing visible or audible pyrotechnic effects or displays by combustion, explosion, deflagration, or detonation.

(b) The term "utility fireworks" as used in this ordinance shall be held to mean and include aerial parachute signal flags, aerial smoke signals, airplane code and distress signals, army code and distress signals, highway signal flares, linemen's flares, line code and distress signals, flares and rockets, photoflash bulbs, photographic flashlight powder, railroad fuses and track torpedoes, rodent exterminator cartridges, and other combustible or explosive materials developed, stored, sold or used exclusively for valuable commercial purposes.

(c) The term "pyrotechnist" as used in this ordinance shall be held to mean and include any person holding a valid certificate of fitness issued by the City of Kirkland to explode, discharge, ignite, or operate fireworks within said City.

Section 2. It shall be unlawful for any person to discharge, ignite, burn or set off any fireworks within the City of Kirkland, without having first obtained and being the holder of a valid Certificate of Fitness as a pyrotechnist, and without having first obtained a valid permit therefor, from the Fire Chief or other city official duly designated by the City Council.

Section 3. Every applicant for such Certificate of Fitness shall be at least twenty-one (21) years of age, able to speak, read, and write the English language proficiently, be possessed of good sight and hear-

ing, have good habits, be intelligent, reliable, and capable of exercising mature judgment, and shall have had not less than one year's experience in handling and using fireworks, shall be familiar with all necessary precautions to be taken incidental to handling and using fireworks, and shall be familiar with all of the provisions of this ordinance, together with all other rules and regulations promulgated by the Fire Chief for the City of Kirkland relating to the handling and use of fireworks.

The habits, fitness, and experience of such applicant must be certified to by at least two residents of the City of Kirkland who may be required to establish by proof satisfactory to the Fire Chief of their personal knowledge of the facts to which they certify. The Fire Chief may also require the applicant to submit to an oral or written examination for the purpose of establishing his qualifications as above stated; and if the Fire Chief, upon investigation, is satisfied that the experience, skill, and general fitness of the applicant is such as to warrant the Fire Chief's belief that the applicant will handle and use such fireworks in a manner which will avoid injury or damage to any person or property within the City of Kirkland, and will observe all laws and reasonable precautions to protect the health, safety, and welfare of the community, the Fire Chief shall issue a Certificate of Fitness, valid for three (3) days, upon payment of a license fee of Three Dollars, which Certificate shall specify the time and place where such fireworks may be displayed by the holder thereof, and such Certificate may be renewed from time to time within one year of the date of original issuance upon application to the City Clerk and upon payment of the said permit fee, without necessity of further examination, in absence of facts or knowledge coming to the attention of the City Clerk or Fire Chief leading to a reasonable belief that a re-examination is necessary for the protection of the safety and welfare of the community.

Section 4. It shall be unlawful for any person to shoot, fire, light, or explode any fireworks of any kind or to carry any firearm in any park or public place, excepting under rules and regulations prescribed by the Board of Park Commissioners or the Chief of Police.

Section 5. It shall be unlawful to store, keep, sell, or offer fireworks for sale in any manner other than prescribed by the rules and regulations pertaining thereto, promulgated and issued by the Fire Chief or other person designated by the City Council or without having a valid permit issued by the City Clerk pursuant to such regulations.

Section 6. No permit shall be issued to store, keep, sell, or expose for sale any fireworks in any building or part of which is occupied as a place of habitation, reservation, or detention, public assembly, or as a garage or school, nor in any building of frame or ordinary mason construction, nor in any factory, workshop, store, or warehouse building that is not used exclusively for the storing, keeping, selling, or exposing for sale of fireworks or for the manufacture of the same as here permitted. Such permit shall be posted on the premises for which it is issued, shall expire on December 31 next following the date of issue, and may be revoked by the Fire Chief when the condition of such premises leads the Fire Chief reasonably to believe that the continuation of such use constitutes a danger to the safety and welfare of the City of Kirkland.

Section 7. Any person permitted to sell fireworks within the City of Kirkland shall inform each purchaser of fireworks or each person receiving the same from him that the use and discharge of fireworks in the City of Kirkland is prohibited by ordinance except on public occasions and under the permission, supervision, and control of the Fire Chief or other person duly designated by the City Council, and shall cause such information to be printed in legible type on each package of fireworks sold or delivered within the City of Kirkland.

Section 8. It shall be unlawful for any person to sell or deliver fireworks to any person under the age of twenty-one (21) years in the City of Kirkland.

Section 9. It shall be unlawful to manufacture, within the City of Kirkland, any fireworks, the shipment of which by railway express is prohibited by the Interstate Commerce Commission regulations as now formulated or hereafter adopted, or contrary to any law of the State of Washington, or without having first obtained a valid permit issued by the Fire Chief with the concurrence of the Building Department.

Section 10. The provisions of this ordinance shall not apply to fireworks classed as utility fireworks in Section 1 when the same are to be held and sold solely for the purpose for which they were designed and manufactured.

Section 11. Any person found guilty of failing, neglecting, or refusing to comply with any of the provisions or requirements of this ordinance or with any lawful regulation, order or direction of a peace officer or fireman of the City of Kirkland made pursuant thereto, shall be guilty of a misdemeanor, and shall be fined in a sum not exceeding Three Hundred Dollars (\$300.00) or imprisoned for a term not exceeding ninety (90) days, or may be both fined and imprisoned.

Section 12. This ordinance shall take effect and be in force five days after its passage, approval and publication, or posting, in the manner provided by law.

PASSED by the City Council on the 6th day of May, 1957, and signed in authentication of its passage this 6th day of May, 1957.

Ben B. [unclear]
Mayor

ATTEST:

Loren L. [unclear]
City Clerk

Approved as to form:

Charles W. Johnson Jr.
City Attorney