

ORDINANCE NO. 940 Proposed By 2125 Date: \_\_\_\_\_

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO FIREWORKS, REGULATING THE POSSESSION, SALE, USE AND DISCHARGE THEREOF, PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE SALE OF "SAFE AND SANE" FIREWORKS, PROVIDING PENALTIES, AND REPEALING ORDINANCE NO. 718 OF THE CITY OF KIRKLAND.

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

Section 1. License Required. It shall be unlawful for any person, firm or corporation to engage in the retail sale of or to sell any fireworks within the City of Kirkland without first having obtained a license pursuant to the provisions of this chapter.

Section 2. License fee. The license fee for the sale of such fireworks as may be authorized hereunder, or may be authorized by the provisions of the laws of the State of Washington, shall be Ten Dollars (\$10.00) per annual authorized period, payable in advance.

Section 3. Illegal to sell or use dangerous fireworks. It shall be unlawful for any person to sell, possess, use or explode any dangerous fireworks within the City of Kirkland. Any item of fireworks which does not bear a "Safe and Sane" registration or classification of the State Fire Marshal in conformity with Chapter 228, Laws of 1961 of the State of Washington, shall be deemed dangerous and is prohibited by this ordinance.

Section 4. Period during which sale is authorized. No licensee shall sell at retail or offer for sale any fireworks authorized to be sold herein within the City of Kirkland, except from 12:00 noon on the 28th day of June to 12:00 noon on the 6th day of July of any year.

Section 5. Period during which discharge is authorized. No person shall use or explode any fireworks within the City of Kirkland except from 12:00 noon on the 28th day of June to 12:00 noon on the 6th day of July of any year; provided that this prohibition shall not apply to duly authorized public displays where the same

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are authorized pursuant to the laws of the State of Washington.

Section 6. Number of licenses. The maximum number of licenses which may be issued pursuant to this chapter shall be Two.

Section 7. Licenses. Fireworks licenses shall be issued only to such applicants who meet the following qualifications:

(a) Persons, corporations or associations who have been doing business within or have established their principal meeting place within the City of Kirkland for at least one year prior to the date application is made for license hereunder; and

(b) Have not within five years prior to the date of said application either suffered revocation of a similar license or permit issued pursuant to Chapter 228, Laws of 1961 of the State of Washington, or been convicted of a criminal violation of this ordinance or Chapter 228, Laws of 1961 of the State of Washington.

Section 8. Retail outlets. A license granted pursuant to this chapter shall entitle the licensee to maintain only one retail outlet. All licenses issued pursuant hereto shall be used only by the designated licensee and shall be nontransferable. Any transfer or purported transfer of such a license shall be deemed a violation of this title.

Section 9. Terms of licenses. A license for the sale of fireworks shall be issued only upon the following terms and conditions:

(a) The applicant shall have a valid and subsisting license issued by the State of Washington authorizing the holder thereof to engage in the fireworks business.

(b) The applicant shall own or have the right to possess a temporary fireworks stand complying with the standards hereinafter set forth for temporary fireworks stands.

(c) The applicant shall procure and maintain a policy or policies of public liability and property damage insurance in a company or companies approved by the City of Kirkland in the following amounts: \$100,000 or more for injuries to any one person in one accident or occurrence; \$500,000 or more for injuries to two or more persons in any one accident or occurrence; \$50,000 for damage to property in any one accident or occurrence.

(d) The licensee's location or place of business shall be only in those areas or zones within the City of Kirkland zoned C-2 or C-3 <sup>on city owned property;</sup> provided that the sale of safe and sane fireworks shall not be deemed an enlargement of an existing non-conforming use.

(e) The applicant shall post with the City a performance bond or cash deposit in an amount not less than \$500.00, conditioned upon the prompt removal of the temporary stand and the cleaning up of all debris from the site of the temporary stand, which deposit shall be returned to the applicant only in the event that he removes said temporary stand and cleans up all debris to the satisfaction of the proper officials of the City of Kirkland. In the event of his failure so to do, said performance bond or cash deposit shall be forfeited to the City of Kirkland. In no event shall the applicant be entitled to the return of said performance bond or cash deposit if he has failed to remove said temporary stand and clean up all debris by 12:00 noon on the 6th day of July following the authorized period.

Section 10. Stands. All safe and sane fireworks except "toy caps" shall be sold only from temporary stands.

Section 11. Construction of Stands. The temporary stands of all licensees shall conform to the following minimum standards and conditions:

(a) Temporary fireworks stands need not comply with all provisions of the Building Code of the City of Kirkland, provided,

however, that all such stands shall be erected under the supervision of the administrative official designated by the Mayor, who, shall require all stands to be constructed in a safe manner, insuring the safety of attendants and patrons. In the event any temporary stand is wired for electricity, then the wiring shall conform to the Electrical Code of the City of Kirkland.

(b) No open flame, whether for the purpose of lighting or otherwise, shall be permitted within a fireworks stand or within fifty feet thereof.

(c) Each temporary fireworks stand shall have adjoining off-street parking facilities sufficient for the parking of twenty-five automobiles according to the provisions of the Kirkland Comprehensive Zoning Ordinances. Such parking areas need not be paved, nor need they be lined, but otherwise shall meet the requirements of said zoning ordinances. Such offstreet parking shall be in addition to the offstreet parking required for the existing business on the site, if any.

(d) No temporary fireworks stand shall be located within fifty feet of any other building or structure, nor within fifty feet of any gasoline station, oil storage tank or premises where flammable liquids are kept or stored.

(e) Each temporary fireworks stand must have at least two exits, which shall be unobstructed at all times.

(f) Each temporary fireworks stand shall have, in a readily accessible place, a fire extinguisher duly approved in advance by the Fire Marshal of the City of Kirkland or his duly authorized representative.

(g) All weeds, grass and combustible material shall be cleared from the location of the temporary fireworks stand and the surrounding area a distance of not less than fifty feet, measured from the exterior walls on each side of said temporary fireworks stand.

(h) No smoking shall be permitted in or within fifty feet from a temporary fireworks stand, and the same shall be posted with proper "No Smoking" signs.

(i) Each temporary fireworks stand shall have an adult in attendance at all times, twenty-four hours a day, while any fireworks are located therein. No child or children under the age of eighteen years shall be allowed inside any temporary fireworks stand.

(j) All unsold stock, the temporary fireworks stand, and accompanying litter, shall be removed from said temporary fireworks stand by 12:00 noon on the 6th day of July following the authorized period.

Section 12. Fireworks to which chapter applicable. The provisions of this chapter shall apply to the sale of all safe and sane fireworks, as defined by Chapter 288, Laws of 1961 of the State of Washington, except as to the sale of "toy caps". The restrictions and limitations of this chapter shall not be applicable to the sale of "toy caps".

Section 13. Subject to ordinances of City. Except as specifically modified herein, all of the ordinances of the City shall apply to the holders of licenses for the sale of fireworks, to the temporary stands for, and the sale thereof.

Section 14. Priority of licensees. Applications for licenses shall be presented to the City between the hours of 8:00 A.M. and 5:00 P.M. on the 6th day of June in each year. Licenses shall be issued on the following business day. In the event there are more applications for licenses from qualified corporations or associations than there are licenses available, then the issuance of licenses on said following day shall be determined publicly by lot from those who meet all the necessary qualifications and requirements. The application fee shall be returned to the unsuccessful applicants. Licenses shall be issued for each annual authorized period.

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Section 15. Construction of Chapter. This chapter is intended to implement Chapter 228, Laws of 1961 of the State of Washington, and shall be construed in connection with said law and any and all rules or regulations issued pursuant thereto.

Section 16. Enforcing officer. The Mayor of the City of Kirkland or his duly authorized representative is hereby designated as the enforcing officer of this chapter. Any failure or refusal on the part of a licensee to obey any rule, regulation or request of the enforcing officer concerning the sale of fireworks shall be grounds for the revocation of a fireworks license.

Section 17. Discharge of fireworks. No fireworks shall be lighted or discharged in or within fifty feet of a temporary fireworks stand.

Section 18. Penalties. Any person, firm, association, corporation or other group, violating any of the provisions of this ordinance, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than \$250 or by imprisonment for not more than 90 days, or by both such fine and imprisonment; and such person, firm, association, corporation or other group, shall be guilty of a separate offense for each day during which he or it commits, continues or permits a violation of any provision of this ordinance.

Section 19. Ordinance No. 718 of the City of Kirkland adopted May 6, 1957, is hereby repealed.

Section 20. An emergency exists, making the immediate passage of this Ordinance necessary for the preservation of public health, safety and general welfare in the City of Kirkland, and the same shall take effect immediately upon its passage, approval and publication.

PASSED by the City Council on this 15<sup>th</sup> day of June, 1964, and signed in authentication of its passage this 15<sup>th</sup> day of June, 1964.

Approved as to form:  
Ralph R. [Signature]  
City Attorney

[Signature]  
Mayor

Attest:  
George E. [Signature]  
City Clerk

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