

Repealed by 3625

ORDINANCE NO. 2125

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. 940 OF THE CITY OF KIRKLAND.

The City Council of the City of Kirkland, Washington, do ordain as follows:

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

Section 2. The annual 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 annum, payable in advance.

Section 3. 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, as heretofore amended, shall be deemed dangerous and prohibited by this ordinance.

Section 4. No licensee shall sell at retail or offer for sale any fireworks authorized to be sold within the City of Kirkland, except from 12:00 noon on the 28th day of June, to 12:00 noon on the 5th day of July of any year.

Section 5. No person shall use or explode any fireworks within the City of Kirkland except from 12:00 noon on the 28th day of June until 12:00 noon on the 5th day of July of any year; provided that this prohibition shall not apply to duly authorized public displays, where the same are authorized pursuant to the Laws of the State of Washington and the ordinances of the City of Kirkland.

Section 6. No person, firm or corporation shall receive more than two licenses for the sale of fireworks during any one calendar year.

Section 7. A license granted pursuant to this ordinance 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 non-transferable. Any transfer or purported transfer of any license shall be a violation of this ordinance.

Section 8. A license for the transfer 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) If the applicant does not own or have the right to possess a temporary fireworks stand complying with the standards herein set forth for a temporary fireworks stand, then the applicant shall have as a place of sale for the fireworks a building which is of fire-proof construction and with proper fire-fighting equipment located therein, as approved by the City of Kirkland Fire Marshal, or his duly authorized representative. In all cases, the placing of the fireworks for display and sale shall be in such a manner as to be beyond the reach of customers.

(c) The applicant shall procure and maintain a policy or policies of public liability and property damage insurance with a company or companies acceptable to the City of Kirkland in the following amounts: \$100,000. or more for injuries to any one person in any one accident or occurrence; \$300,000. or more for injuries to two or more persons in any one accident or occurrence; \$50,000. or more for damage to property in any one accident or occurrence. The City of Kirkland shall be named as an additional insured in each policy, insofar as the manufacture, importation, exportation, regulating, possession, sale, use and/or discharge of fireworks. Said liability policy or policies shall be approved by the City Attorney of the City of Kirkland for legality and sufficiency before any license shall be issued.

(d) The licensee's location or place of business shall be governed by the zoning ordinance of the City of Kirkland. Such location or place of business shall be located within a C-2 or a C-3 zone.

(e) In those cases where the applicant conducts the sale of fireworks from a temporary fireworks stand, he shall post with the City of Kirkland a performance bond or cash deposit in the amount of not less than \$500.00, conditioned upon the prompt removal of the temporary fireworks stand and the cleaning up of debris from the site of the temporary fireworks stand, which deposit shall be returned to the applicant only in the event that

he removes said temporary fireworks stand and cleans up all debris to the satisfaction of the City of Kirkland Fire Marshal and the Administrations director for the City of Kirkland. In the event of the applicant's failure to do so, 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 fireworks stand and cleaned up all debris by the 10th day of July of any year.

Section 9. All safe and sane fireworks except "toy caps" and "sparklers" shall be sold only from premises approved by the Fire Marshal of the City of Kirkland.

Section 10. 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 of Kirkland, provided, however, that all such temporary fireworks stands shall be erected under the supervision of the City of Kirkland Fire Marshal, or his duly authorized representative, who shall require all temporary fireworks stands to be constructed in a safe manner, insuring 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 of Washington. 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 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 25 feet from the stand. "NO SMOKING" signs, having lettering at least two inches in height, shall be posted in a conspicuous location on all four sides of the temporary fireworks stand.

(e) No discharge of fireworks shall be permitted within 25 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 25 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 rated fire extinguishers (2-1/2 gallon water). Such extinguishers shall be UL approved.

(i) Each temporary fireworks stand shall be under the direct supervision of a competent adult person, 21 years of age or older. No person under the age of 18 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 temporary fireworks stands at night shall be stored in an approved storage location. Said storage location shall be approved in advance by the City of Kirkland Fire Marshal.

(l) All unsold stock and accompanying litter shall be removed from said temporary fireworks stand by 12:00 Noon on the 6th day of July of the permit year.

(m) No temporary fireworks stand shall be located on a public right-of-way.

(n) All signs relating to temporary fireworks stands shall comply with the City of Kirkland's sign regulations.

Section 11. The provisions of this ordinance shall apply to the sale of all safe and sane fireworks as defined by Chapter 228, Laws of 1961 of the State of Washington, except as to the sales of "toy caps" and "sparklers". The restrictions and limitations of this ordinance, except as to the need of a license and the time restricting the sale of fireworks, as applied to "sparklers", shall not be applicable to the sale of "toy caps" and "sparklers".

Section 12. No license shall be issued to any person, firm or corporation other than those who meet all the necessary qualifications and requirements as set forth in this ordinance.

Section 13. This ordinance 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 and regulations issued pursuant thereto.

Section 14. The City of Kirkland Fire Marshal, or his duly authorized representative, is hereby designated the enforcing officer of this ordinance. In addition to all of the grounds for revocation of licenses set forth in the general provisions of this ordinance, any failure or refusal on the part of the licensee to obey any rule, regulation or request relating thereto of the City of Kirkland Fire Marshal or his duly authorized representative concerning the sale or display of fireworks, shall be deemed a violation of this ordinance and be grounds for the revocation of the fireworks license.

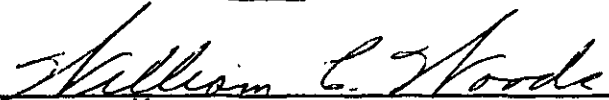
Section 15. Any person, firm, association, corporation or other group violating any of the provisions of this ordinance shall be guilty of a misdemeanor. Such person, firm, association, corporation or other group shall be guilty of a separate offense for each day during which he or it commits or continues or permit a violation of any provision of this ordinance to continue.

Section 16. Ordinance No. 940 of the City of Kirkland, and all other ordinances or parts of ordinances of the City of Kirkland in conflict with this ordinance are hereby repealed.

Section 17. This ordinance shall be in force and take effect five (5) days from and after its passage and publication as required by law.

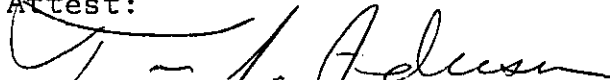
PASSED by the City Council in regular meeting on the 19th day of October, 1970.

SIGNED in authentication thereon on the 19th day of October, 1970.



Mayor

Attest:



Director of Administration and Finance
(ex officio City Clerk)

Approved as to form:



City Attorney

Ordinance No. 2125