

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO FIREWORKS AND AMENDING CHAPTER 11.60 OF THE KIRKLAND MUNICIPAL CODE.

BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1: The Sections and Subsections of Chapter 11.60 of the Kirkland Municipal Code set forth below are hereby amended to read as follows:

11.60.010: Sale--License required--Application (a) It is unlawful for any person, firm or corporation to engage in the retail sale of or sell any fireworks within the city without first having obtained a license pursuant to the provisions of this chapter.

(b) Application for annual license shall be filed with the city on or before June 1st of each year.

(c) Each application shall be accompnied with:

(1) A map or plot plan showing dimensions of the fireworks stand, its location, and compliance with the requirements of this chapter with specific reference to Section 11.60.100 as to temporary stands;

(2) The annual license fee (Section 11.60.020);

(3) Proof of Insurance (Section 11.60.080 (3));

(4) Bond or cash deposit for removal (Section 11.60.080(5));

(5) State of Washington fireworks license (Section 11.60.080(1)).

(d) Annual licenses will be issued to qualified applicants not later than June 7th twenty-fifth of each year.

11.60.020: License fee. 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~~ sixty-five (\$65.00) per year, payable in advance.

11.60.030: Sale or use of dangerous unlawful fireworks It is unlawful for any person to sell, possess, use or explode any dangerous fireworks within the city, ~~any item of fireworks which does not bear a "safe and sane" registration or classification of the State Fire Marshal, in conformity with RGW-70.77, as heretofore amended, shall be deemed dangerous and prohibited by this chapter~~ which do not meet the definition of common fireworks as defined by R.C.W. 70.77.

(b) R.C.W. 70.77 Definitions--"Common Fireworks."

- (1) "Common Fireworks" means any fireworks designed primarily to produce visual or audible effects by combustion. The term includes: Ground and hand-held sparkling devices, including items commonly known as dipped sticks, sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, and glitter sparklers; smoke devices; fireworks commonly known as helicopters, aerals, spinners, Roman Candles, mines and shells; Class C explosives classified on January 1, 1984 as common fireworks by the United States Department of Transportation.
- (2) The term does not include fireworks commonly known as firecrackers, salutes, chasers, skyrockets, and missile-type rockets.

11.60.040 Days and hours of sale. No licensee shall sell at retail or offer for sale any fireworks authorized to be sold within the city, except from twelve noon on the twenty-eighth day of June to twelve noon on the sixth day of July of any year. No common fireworks shall be sold between 11 o'clock p.m. and 9 o'clock a.m.

11.60.050 Use or explosion--Days and hours. No person shall use or explode any fireworks within the city except from twelve noon on the twenty-eighth day of June until twelve noon on the sixth day of July of any year; no fireworks shall be discharged between 11 o'clock p.m. and 9 o'clock a.m.; 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.

11.60.080 Issuance of License-Conditions. A license for the transfer sale of fireworks shall be issued only upon the following terms and conditions:

- (1) 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;
- (2) 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 fireproof construction and with proper fire-fighting equipment located therein, as approved by the city 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;

- (3) 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 in the following amounts: One hundred thousand dollars or more for injuries to any one person in any one accident or occurrence; three hundred thousand dollars or more for injuries to two or more persons in any one accident or occurrence; fifty thousand dollars or more for damage to property in any one accident or occurrence. The city 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. The liability policy or policies shall be approved by the City Attorney for legality and sufficiency before any license shall be issued;
- (4) The licensee's location or place of business shall be governed by the zoning ordinance of the city. Such location or place of business shall be located within a 6-2 B-N or a 6-3 B-C zone;
- (5) In those cases where the applicant conducts the sale of fireworks from a temporary fireworks stand, he the applicant shall post with the city a performance bond or cash deposit in the amount of not less than five hundred dollars, conditioned upon the prompt removal of the temporary fireworks stand and the clearing 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 the temporary fireworks stand and cleans up all debris to the satisfaction of the city Fire Marshal and the Administrations Director for the city. In the event of the applicant's failure to do so, the performance bond or cash deposit shall be forfeited to the city. In no event shall the applicant be entitled to the return of the performance bond or cash deposit if he has failed to remove the temporary fireworks stand and cleaned up all the debris by the tenth day of July of any year.

11:60:090 Sale of safe-and-sane common fireworks on approved premises. All safe-and-sane common fireworks except "toy caps" and "sparklers" shall be sold only from premises approved by the Fire Marshal of the city.

11:60:110 Application of chapter: The provisions of this chapter shall apply to the sale of all safe-and-sane common fireworks as defined by RCS 70.77, except as to the sales of "toy caps" and "sparklers." The 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 2. Should any section, paragraph, sentence or word of this ordinance or the codes herein adopted or amended be declared for any reason to be invalid, it is the intent of the City Council that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such section, subsection, paragraph, sentence or word as may be declared invalid.

Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

PASSED by majority vote of the Kirkland City Council in regular, open meeting this 7th day of April, 1986.

SIGNED IN AUTHENTICATION thereof this 7th day of April, 1986.

Donis Cooper
Mayor

Attest:

Tom Aderson
Director of Administration & Finance
(ex officio City Clerk)

Approved as to Form:

[Signature]
City Attorney

2069C/248A/BL:cw:br

SUMMARY OF ORDINANCE No. 2944

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO FIREWORKS AND AMENDING CHAPTER 11.60 OF THE KIRKLAND MUNICIPAL CODE.

Section 1 amends provisions of Kirkland Municipal Code Chapter 11.60 relating to fireworks in conformance with recent statutory amendments to RCW Chapter 70.77 relating to fireworks, including:

- A. Change designation of permitted fireworks from "safe and sane fireworks" to "common fireworks" including adoption of RCW Chapter 70.77 definition for "common fireworks."
- B. Provide for license for sale of common fireworks to be issued not later than June 25 of each year.
- C. Prohibit the sale and/or discharge of fireworks between the hours of 11 p.m., and 9 a.m., during the period from June 28 through July 6 of each year when licensed sale and discharge of common fireworks is otherwise permitted.
- D. Increases the license fee from \$10 to \$65.

Section 2 provides that if any part of the amendatory ordinance is determined invalid, such invalidity shall not affect the validity of the amendatory ordinance as a whole nor any other part of the ordinance.

Section 3 authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.17, Kirkland Municipal Code and establishes the effective date as five days after summary publication.

The full text of this ordinance will be mailed without charge to any person upon request made to the Director of Administration and Finance for the City of Kirkland. The ordinance was passed by the Kirkland City Council at its regular meeting on the 7th day of April, 1986.

I certify that the foregoing is the summary of Ordinance No. 2944, approved by the Kirkland City Council for summary publication.


DIRECTOR, ADMINISTRATION AND
FINANCE (ex officio City Clerk)
City of Kirkland