

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

Whereas, after considering public testimony received during a public hearing conducted by the Planning Commission for the purpose of considering the need to restrict or eliminate the use of fireworks within the City, and after considering the recommendation of the Planning Commission, the City Council has determined that in order to protect the public health, safety and welfare, and in order to reduce the financial impacts and demands upon equipment and personnel which arise from the use of fireworks, it is necessary to extend the restrictions upon the sale and use of fireworks, now, therefore

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. KMC Section 11.60.040 is hereby amended as follows:

11.60.040 Days and Hours of Sale. No licensee shall sell at retail, ~~expose for retail sale or offer for retail sale~~ any fireworks ~~[authorized to be sold]~~ within the City, except from twelve noon to eleven p.m. on the 28th day of June, nine a.m. to eleven p.m. on the 29th day of June through the 3rd day of July, and from nine a.m. to nine p.m. on the 4th ~~[to 12:00 noon on the 6th]~~ day of July of any year. ~~[No common fireworks shall be sold between 11:00 p.m. and 9:00 a.m.]~~

Section 2. KMC 11.60.050 is hereby amended as follows:

11.60.050 Use or Explosion--Days and Hours. No person shall ignite, discharge, use or explode any fireworks within the city except on July 4th of any year between the hours of 9:00 a.m. and 11:00 p.m. ~~[from 12:00 noon on the 28th day of June until 12:00 noon on the 6th day of July of any year; no fireworks shall be discharged between 11:00 p.m. and 9:00 a.m.];~~ provided that this prohibition shall not apply to ~~[duly authorized public]~~ displays ~~[, where the same are]~~ authorized by City of Kirkland permit pursuant to RCW Chap. 70.77 ~~[the laws of the State of Washington and the ordinances of the city.]~~

Section 3. KMC 11.60.100(2) is hereby amended as follows:

11.60.100 Stand Requirements.

(2) No temporary fireworks stand shall be located within 750 feet from any other temporary fireworks stand, or 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.

Section 4. KMC 11.60.100(9) is hereby amended as follows:

11.60.100 Stand Requirements.

(9) Each temporary firework stand shall be under the direct supervision of a competent adult person, eighteen [twenty-one] years of age or older. No person under the age of eighteen years shall be allowed by the licensee to work in such stand.

Section 5. KMC Chapter 11.60 is hereby amended by the addition of new sections to read as follows:

11.60.150 Issuance of License--Priority. No license for the sale of fireworks will be issued unless the application meets all criteria set forth in Section 11.60.100, including the minimum stand separation requirements. When necessary, in order to determine priority as to a proposed location, the earliest date and time of filing with the city clerk of an application meeting all requirements shall be controlling.

11.60.160 Sale of fireworks to persons under 16 years of age prohibited. It is unlawful to sell fireworks to any person under the age of 16 years. Seller shall require proof of age by means of display of a Washington State Drivers License or photo identification card issued by the Washington State Department of Licensing. No other forms of identification shall be accepted.

Section 6. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 5th day of April, 1988.

Signed in authentication thereof this 5th day of April, 1988.

Doris Cooper
MAYOR

ATTEST:

Janece Perry
City Clerk
APPROVED AS TO FORM:

Gail Bond
Asst. City Attorney