

ORDINANCE 3322

AN ORDINANCE OF THE CITY OF KIRKLAND DECLARING A FIRE SAFETY EMERGENCY, PROHIBITING THE SALE, USE AND DISCHARGE OF FIREWORKS, INCLUDING "COMMON FIREWORKS", AND DIRECTING THAT NO LICENSES TO SELL FIREWORKS BE ISSUED.

Whereas, a severe shortage of water and continued lack of precipitation in recent months have resulted in extremely dry vegetation and ground cover in the greater Puget Sound area and throughout the City of Kirkland, and

Whereas, the Fire Chief has advised the City Council that vegetation and landscape areas in the Kirkland area are highly combustible at the current time, to the point of being tinder dry, and will be more so by the first week of July and the discharge of fireworks under these conditions would be extremely hazardous, and

Whereas, the Fire Chief has further advised the City Council that the potential for fires to threaten structures in the City is greatly increased under these conditions; that conditions of dryness in area forestlands are approximately six weeks in advance of the usual due to the mild winter and unusually dry weather conditions; that there are areas in Kirkland, including parks and residential neighborhoods, representative of such wildlands that are currently at risk of rapid fire spread; and that fireworks present a serious potential ignition factor for those areas, and

Whereas, the Fire Chief has requested that the City Council prohibit the sale, use and discharge of fireworks as an emergency safety measure based on the water shortage, dry weather and vegetation conditions, and

Whereas, the City Council believes that the water shortage and drought conditions currently in existence require that for the immediate protection of the public health, safety and welfare, a prohibition on the sale, use and discharge of fireworks is necessary, now, therefore

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

Section 1. Declaration of Fire Safety Emergency and Purpose of Emergency Action. The City Council has been advised, and hereby declares, that a Fire Safety Emergency exists in the City of Kirkland which constitutes an immediate threat to the public health, safety and welfare. This Fire Safety Emergency arises from the existing water shortage and unusually dry weather conditions prevailing in the Puget Sound area, including the City of Kirkland, in recent months and which are expected to continue throughout the summer. These conditions have created an extreme fire hazard from highly combustible vegetation throughout the City. Fireworks present a serious potential ignition factor in parks and residential neighborhoods in the City, and the sale, ignition, explosion and discharge of such fireworks, including "common fireworks", would constitute an immediate danger under these conditions. The City Council hereby declares its intent, in enacting this Ordinance, to preserve the public health, safety and welfare and to respond to this Fire Safety Emergency by prohibiting the sale, use and discharge of fireworks, including "common fireworks", in the City.

Section 2. Suspension of Privileges to Sell and Use Fireworks. The privilege granted in Kirkland Municipal Code (KMC) Section 11.60.040 allowing the sale of fireworks from June 28, 1992 through July 4, 1992, and the privilege granted in KMC Section 11.60.050 allowing the ignition, discharge, use or exploding of fireworks on July 4, 1992, are hereby suspended.

Section 3. Prohibition on Sale, Use and Discharge of Fireworks.

A) It is unlawful for any person to sell at retail, expose for retail sale or offer for retail sale any fireworks including "common fireworks", within the City during the calendar year 1992.

B) It is unlawful for any person to use, discharge, ignite or explode any fireworks, including "common fireworks," within the City during the calendar year 1992.

Section 4. Licenses Not to Issue. The City Clerk is hereby directed not to issue any permit to sell fireworks in the City during the

calendar year 1992. The City Clerk is further directed to notify all applicants for fireworks licenses that no licenses will be issued, provide all applicants a copy of this ordinance, and promptly refund all firework application fees paid to the City during the calendar year 1992.

Section 5. Enforcement. The Fire Chief and Chief of Police are hereby directed to take appropriate action to enforce this prohibition on the sale, use and discharge of fireworks.

Section 6. Penalty for Violation. Any person failing to comply with any provision of Section 3 of this Ordinance shall be guilty of a gross misdemeanor and upon conviction shall be punished by a fine of not more than five thousand dollars and/or one year in jail.

Section 7. Public Education. The Fire Chief shall take appropriate action to inform and educate the public of this Fire Safety Emergency and solicit public support in enforcing the prohibitions declared herein.

Section 8. City Manager Authorized to Declare Cessation of Emergency.

A) Notwithstanding anything provided above, the City Manager or his designee, after consultation with and upon advice from the Fire Chief that the conditions giving rise to this Fire Safety Emergency have abated to the point that there is no longer any fire safety threat to the public health, safety and welfare, may declare this Fire Safety Emergency to be at an end.

B) Any such declaration shall be filed with the City Clerk and be accompanied by a report from the Fire Chief identifying the reasons why the Emergency no longer exists. The City Clerk shall immediately distribute copies of the declaration to local news media, notify all applicants for fireworks licenses that this Fire Safety Emergency has been declared at an end, and resume processing of fireworks applications on an expedited basis.

C) In the event a declaration ending this Fire Safety Emergency is

filed with the Clerk, sections 1 through 4 of this Ordinance shall cease to be effective; provided, however, any violations of this ordinance committed prior to the filing of any such declaration shall continue to be prosecuted to the fullest extent of the law.

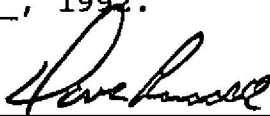
D) Nothing in this Section 8 shall prevent the City Council from exercising its authority to conduct a special meeting for the purpose of considering whether the conditions giving rise to this Fire Safety Emergency have abated to the point that this emergency should be declared at an end.

Section 9. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

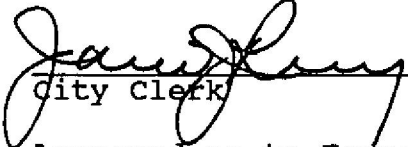
Section 10. This Ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 16th day of June, 1992.

Signed in authentication thereof this 16th day of June, 1992.

  
\_\_\_\_\_  
MAYOR

Attest:

  
\_\_\_\_\_  
City Clerk

Approved as to Form:

  
\_\_\_\_\_  
City Attorney  
City92\firesafe\rjp:nmw