

ORDINANCE NO. 6836

1 AN ORDINANCE providing for the regulation of  
2 use, sale and manufacture of fireworks in King  
3 County; repealing Resolution 2615 Sections  
4 1-14, Resolution 26101 (part) and Ordinance  
5 480 Section 2, Ordinance 1888 Article V  
6 Sections 17-21, Ordinance 1888 Article IV  
7 Sections 1-3, Ordinance 1492 Section 36 and  
8 K.C.C. 6.26.010 through 6.26.340.

9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

10 SECTION 1. Scope.

11 This article shall apply to the manufacture, possession,  
12 storage, sale, transportation and use of fire works.

13 Nothing in this article shall be construed to prohibit:

14 A. The use of fireworks:

15 1. By railroads or other transportation agencies for  
16 signal or illumination purposes.

17 2. For signal purposes in athletics or sports.

18 3. By military organizations.

19 B. The sale and use of hand held sparklers and toy caps  
20 generally, and blank cartridges for show or theater.

21 SECTION 2. Definitions.

22 A. "Common fireworks" means any firework designed primarily  
23 to produce visible or audible effects by combustion.

24 1. Effective immediately the term includes ground and  
25 hand-held sparkling devices, including items commonly known as  
26 dipped sticks, sparklers, cylindrical fountains, cone fountains,  
27 illuminating torches, wheels, ground spinners, and flitter  
28 sparklers; smoke devices; helicopters; aerials; spinners; roman  
29 candles; mines; shells; and Class C explosives classified on  
30 January 1, 1984 as common fireworks by the United States  
31 department of transportation; provided, that the term does not  
32 include fireworks commonly known as firecrackers, salutes,  
33 chasers, skyrockets, and missile-type rockets.

1 B. "Fire marshal" is the King County fire marshal.

2 C. "Fireworks" means any composition or device, in a  
3 finished state, containing any combustible or explosive  
4 substance for the purpose of producing a visible or audible  
5 effect by combustion, explosion, deflagration, or detonation,  
6 and classified as common or special fireworks.

7 D. "Manufacturer" includes any person who manufactures,  
8 makes, constructs, fabricates, or produces any fireworks article  
9 or device but does not include persons who assemble or fabricate  
10 sets or mechanical pieces in public displays of fireworks.

11 E. "Permit" means the official permission granted by King  
12 County for the purpose of establishing and maintaining a place  
13 where fireworks are manufactured, constructed, produced,  
14 packaged, stored, sold, exchanged, discharged or used.

15 F. "Person" includes any individual, firm, partnership,  
16 joint venture, association, concern, corporation, estate, trust,  
17 business trust, receiver, syndicate, firm or any other group or  
18 combination acting as a unit.

19 G. "Public display of fireworks" means an entertainment  
20 feature where the public is admitted or permitted to view the  
21 display or discharge of special fireworks.

22 H. "Retailer" includes any person who, at a fixed location  
23 or place of business, sells, transfers, or gives common  
24 fireworks to a consumer or user.

25 I. "Special fireworks" means any fireworks designed  
26 primarily for exhibition display by producing visible or audible  
27 effects. Effective immediately the term includes:

- 28 1. Fireworks commonly known as sky rockets, missile type  
29 rockets, firecrackers, salutes and chasers; and  
30 2. Fireworks which are not classified as common fireworks.  
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1 J. "Wholesaler" includes any person who sells fireworks to  
2 a retailer or any other person for resale and any person who  
3 sells special fireworks to public display permittees.

4 SECTION 3. Permits.

5 A. Permits shall be obtained:

6 1. To store fireworks in any amount of any type.

7 Exception: Storage not to exceed 20 pounds of common  
8 fireworks in private residences during the sales period  
9 established in this ordinance.

10 2. To possess, manufacture, offer to sell, or sell  
11 fireworks at wholesale or retail for any use.

12 Exception: Possession of common fireworks lawfully  
13 purchased at retail.

14 3. To conduct a public display of fireworks.

15 4. To discharge special fireworks.

16 5. To use or discharge fireworks inside a structure.

17 6. For religious or specific purposes: religious  
18 organizations, private organizations or persons may purchase,  
19 use or discharge common fireworks and audible ground devices  
20 such as firecrackers, salutes and chasers: provided that there  
21 shall be no fee for such permit and provided further that they  
22 are used on prescribed dates at prescribed times and locations  
23 and provided further that the fire marshal may waive or reduce  
24 the insurance requirements of this ordinance when appropriate.  
25 Any waiver or reduction shall be in writing.

26 B. No person under eighteen years of age may apply for or  
27 receive a permit under this ordinance.

28 C. An application for a permit shall be made in writing to  
29 the fire marshal at least 30 days in advance of the use of the  
30 permit. After a permit is granted, transportation, storage,  
31 discharge, sale, possession, use and distribution of fireworks  
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1 shall be lawful only for the purpose stated on the permit. No  
2 permit granted hereunder shall be transferable.

3 D. Except as otherwise specifically stated in this  
4 ordinance, in order to receive any permit under this ordinance  
5 the permit applicant must provide a certificate of insurance  
6 evidencing a comprehensive general liability (including  
7 automobile coverage) insurance policy providing limits of one  
8 million dollars (\$1,000,000), combined single limit, per  
9 occurrence and annual aggregate, and naming King County as an  
10 additional insured. Any such insurance policy must be approved  
11 by the King County fire marshal.

12 SECTION 4. Authority to issue permits and enforce ordinance.

13 A. The county council hereby delegates the power to grant  
14 all permits required under this ordinance to the King County  
15 fire marshal. As a condition of any permit, the fire marshal  
16 may specify additional safeguards as necessary to provide for  
17 the public safety. The fire marshal shall investigate all  
18 permit applications to determine potential hazard to property or  
19 individuals and shall file a written report if he denies a  
20 permit. These reports will be kept in the office of the fire  
21 marshal and shall be available for review by the King County  
22 board of appeals.

23 B. The King County fire marshal, or his duly authorized  
24 representative, is designated the enforcing officer of this  
25 ordinance. In addition to all the grounds for revocation of a  
26 permit set forth in the general provisions of this ordinance,  
27 any failure or refusal on the part of any person holding a  
28 permit issued hereunder, or any person employed by the permit  
29 holder, to obey any rule or regulation or request of the King  
30 County fire marshal, or his duly authorized representative,  
31 concerning the manufacture, storage, use, sale or display of  
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1 fireworks, is a violation of this ordinance and is grounds for  
2 the revocation of the fireworks permit.

3 C. The King County fire marshal shall have the authority to  
4 request the assistance of the King County sheriff in enforcing  
5 the provisions of this ordinance.

6 D. Unless otherwise specified in this ordinance, the King  
7 County Council specifically designates the King County board of  
8 appeals to hear on its behalf, all appeals from decisions of the  
9 fire marshal within seven days of any decision so appealed. The  
10 decision of the King County board of appeals will be final  
11 unless appealed to a court of competent jurisdiction within  
12 fourteen days after a final order is issued.

13 SECTION 5. Legal fireworks.

14 A. Fireworks which are defined as common fireworks in this  
15 ordinance are legal for sale, possession and use within King  
16 County as set forth in this ordinance.

17 B. Fireworks which are not common fireworks are expressly  
18 prohibited for sale, possession, discharge, storage, or use  
19 within King County unless the fire marshal has issued a permit  
20 for such purpose.

21 SECTION 6. Retail Sales and Discharge of Fireworks.

22 A. Only common fireworks as defined in this article are  
23 legal for sale to the public.

24 B. The sale, possession, use or discharge of any fireworks  
25 prior to 12:00 noon on June 28th or after 12:00 noon on July 6th  
26 each year is prohibited except where authorized by the fire  
27 marshal or exempted under this ordinance.

28 No common fireworks may be sold except between the following  
29 hours and dates:

30 June 28	12:00 noon to 11:00 p.m.
31 June 29 - July 5	9:00 a.m. to 11:00 p.m.
32 July 6	9:00 a.m. to 12:00 noon

1 No common fireworks may be discharged except between the  
2 following hours and dates:

3 June 28 12:00 noon to 11:00 p.m.

4 June 29 - July 5 9:00 a.m. to 11:00 p.m.

5 July 6 9:00 a.m. to 12:00 noon

6 C. Only fireworks defined as common fireworks in this  
7 article may be sold at retail stands.

8 D. A permit for the retail sale of fireworks issued by the  
9 fire marshal must be prominently displayed at the sales location.

10 E. Retail operators applying for a permit shall submit a  
11 copy of their State Retailers License authorizing the holder to  
12 engage in the fireworks business with the application for a  
13 permit under this ordinance. Each permit application must be  
14 accompanied by a certificate of insurance as described in this  
15 ordinance.

16 F. A cash deposit in the amount of fifty dollars (\$50.00)  
17 must be posted with the fire marshal at least 30 days in advance  
18 of the initial sales date to provide for costs of site cleanup.  
19 The deposit shall be forfeited to King County if the operator  
20 fails to perform such cleanup by July 10th of the permit year.  
21 If the operator properly performs the cleanup, the deposit shall  
22 be returned to the operator.

23 G. The annual permit fee for the retail sale of common  
24 fireworks shall be twenty dollars as authorized by the laws of  
25 the State of Washington, payable in advance to the office of the  
26 King County fire marshal.

27 H. Only one permit per year for the retail sale of  
28 fireworks shall be issued to any person and that permit shall  
29 entitle the permittee to maintain one retail outlet only.  
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1           SECTION 7. Operation of Retail Outlets.

2           A. The permittee's location or place of business, if a  
3 temporary fireworks stand, shall be only in those areas or zones  
4 within King County which have been approved by the King County  
5 fire marshal, or his duly authorized representative.

6           B. In those cases where the sale of fireworks is from a  
7 temporary fireworks stand, the stands of all permittees shall  
8 conform to the following minimum standards and conditions:

9           1. Temporary fireworks stands need not comply with all of  
10 the provisions of the King County building code; provided,  
11 however, that all such temporary fireworks stands shall be  
12 erected under the supervision of the King County fire marshal,  
13 or his duly authorized representative, who shall require all  
14 temporary fireworks stands to be constructed in a safe manner.

15           2. In the event any temporary fireworks stand is wired  
16 for electricity, the wiring shall conform to the electrical code  
17 of the State of Washington.

18           3. No heating unit or device with a surface temperature  
19 capable of igniting fireworks, or having an open flame will be  
20 allowed within a fireworks stand.

21           4. No temporary fireworks stand shall be located within  
22 fifty feet of any building or structure, or within one hundred  
23 feet of any gasoline dispensing pump or any tank where flammable  
24 liquids or flammable gases are stored.

25           5. No vehicle parking shall be permitted within  
26 twenty-five feet of a fireworks stand, including curbside  
27 parking, and such area shall be roped or barricaded to prevent  
28 such parking.

29           6. No smoking shall be permitted in a temporary fireworks  
30 stand or any nearer than twenty-five feet from the stand. "NO  
31 SMOKING" signs, having lettering at least two inches in height,  
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1 shall be posted in a conspicuous location on all four sides of  
2 the temporary fireworks stand.

3 7. No discharge of fireworks shall be permitted within  
4 three hundred feet of any fireworks stand. Signs to this effect  
5 shall be posted conspicuously at the stand.

6 8. The area around such fireworks stands shall be  
7 completely free of hazardous accumulations, including dry grass,  
8 brush, or debris of any nature, for a distance of not less than  
9 twenty-five feet on all sides.

10 9. Each temporary fireworks stand must have at least two  
11 exits, located remotely from each other, which shall be  
12 unobstructed at all times.

13 10. Each temporary fireworks stand shall have in a readily  
14 accessible location not less than two 2A-rated fire exting-  
15 uishers (two and one-half gallon water). Such extinguishers  
16 shall be UL approved.

17 11. Each temporary fireworks stand shall be under the  
18 direct supervision of a competent adult person, eighteen years  
19 of age or older.

20 12. Fireworks may be left in temporary fireworks stands at  
21 night providing the stand is locked and a guard is posted. Such  
22 guard shall not stay within the fireworks stand.

23 13. Fireworks removed from temporary fireworks stands at  
24 night shall be stored in an approved storage location. Said  
25 storage location shall be approved in advance by the King County  
26 fire marshal or the fire chief of the local fire district having  
27 jurisdiction.

28 14. All unsold stock and accompanying litter shall be  
29 removed from said temporary fireworks stand by twelve noon on  
30 July 10th of the permit year.

31 15. Customers shall not be permitted inside the stand.  
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1           SECTION 8. Public Display of Fireworks.

2           A. Application for permit. Any person desiring to give  
3 public displays of fireworks, shall make an application for a  
4 permit to operate the public display, in writing to the King  
5 County fire marshal. Such application shall set forth:

6           1. The name of the organization sponsoring the display,  
7 together with the names of persons actually in charge of the  
8 firing of the display;

9           2. The date and time of day at which the display is to be  
10 held;

11           3. The exact location planned for the display;

12           4. A description setting forth the age, and experience,  
13 of the persons who are to do the actual discharging of the  
14 fireworks;

15           5. The number and kind of fireworks to be discharged;

16           6. The manner and place of storage of such fireworks  
17 prior to the display;

18           7. A diagram of the grounds on which the display is to be  
19 held showing the point at which the fireworks are to be  
20 discharged, the location of all buildings, highways and other  
21 lines of communication within two hundred feet of the point of  
22 discharge, the lines or other overhead obstructions.

23           B. Fee for public display permit. The fee for the permit  
24 shall be twenty dollars as authorized by the laws of the State  
25 of Washington. The permit required by this section shall be in  
26 addition to the license required by the State fire marshal.

27           C. Investigation of site; certificate of compliance by the  
28 fire marshal - Notice of approval by the King County department  
29 of public safety. Upon receipt of such application, at least  
30 twenty days in advance of the date set for the display, the fire  
31 marshal shall make an investigation of the site of the proposed  
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1 display for the purpose of determining whether the provisions of  
2 these regulations are complied with in the case of the  
3 particular display. If the fire marshal is satisfied that the  
4 display is lawful and there has or will be full compliance with  
5 the law, then the fire marshal shall issue a written  
6 recommendation for or against the permit which shall be kept on  
7 file in the fire marshal's office and available for review by  
8 the King County board of appeals. If the fire marshal finds  
9 that the permit applicant has complied with the law, then he may  
10 issue a certificate of compliance stating that it endorses the  
11 display as being in conformance with all parts of the law with  
12 these regulations. For any scheduled public display, applicants  
13 must submit, such information as deemed appropriate by the King  
14 County department of public safety to insure that adequate  
15 traffic control and crowd protection policing has either been  
16 arranged through private security agencies or, has been  
17 contracted for with the King County department of public  
18 safety. A written notice that the applicant has complied with  
19 the requirement shall be issued by the director of the King  
20 County department of public safety before a public display  
21 permit is issued, provided, that if the applicant should  
22 contract for traffic control and crowd protection policing with  
23 King County, in no event should the sum agreed upon in payment  
24 for such policing be less than the actual expense incurred by  
25 the county in providing that service. Such consideration shall  
26 be calculated for personnel resources in the hourly rate for  
27 overtime under the current collective bargaining agreement, plus  
28 that percentage, then being paid for fringe benefits, and all  
29 sums paid under such contract shall be paid in accordance with  
30 procedures specified by the King County office of finance.  
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1 D. Every public display of fireworks shall be handled by at  
2 least two competent operators approved by the fire marshal and  
3 shall be of such character, and so located, discharged, or  
4 fired, that, in the opinion of the fire marshal, after proper  
5 investigation, it will not constitute a hazard to property or  
6 endanger any person.

7 E. A state pyrotechnics license is required for at least  
8 one operator at each public display of fireworks. The state  
9 licensed operator shall be the person who actually discharges or  
10 ignites the fireworks.

11 F. A bond or certificate of insurance must be furnished to  
12 the fire marshal before a permit is issued. The bond shall be  
13 in the amount of one million dollars (\$1,000,000) and shall be  
14 conditioned upon the applicant's payment of all damages to  
15 persons and property resulting from or caused by such public  
16 display of fireworks, or by any negligence on the part of the  
17 applicant or its agents, servants, employees or subcontractors  
18 in the presentation of the display. The certificate of  
19 insurance shall evidence a comprehensive general liability  
20 (including automobile coverage) insurance policy providing  
21 limits of one million dollars (\$1,000,000) combined single  
22 limit, per occurrence and annual aggregate, and naming King  
23 County as an additional insured. Any such bond or insurance  
24 policy must be approved by the King County fire marshal.

25 G. A cash deposit in the amount of fifty dollars (\$50.00)  
26 must be posted with the fire marshal at least 30 days in advance  
27 of the public display date to provide for costs of site  
28 cleanup. The deposit shall be forfeited to King County if the  
29 operator fails to perform such cleanup within 6 days of the  
30 public display. If the operator properly performs the cleanup,  
31 the deposit shall be returned to the operator.  
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1 H. Storage.

2 1. As soon as the fireworks have been delivered to the  
3 display site, they shall be attended and shall remain dry.

4 2. All shells shall be inspected upon delivery to the  
5 display site by the display operator. Any shells having tears,  
6 leaks, broken fuses, or showing signs of having been wet shall  
7 be set aside and shall not be fired. After the display, any  
8 such shells shall be either returned to the supplier or  
9 destroyed according to the supplier's instructions.

10 3. All fireworks at the firing site must be stored in  
11 ready boxes (substantially constructed wood magazines). During  
12 the display, the magazines must be 25 feet upwind (relation to  
13 firing item) from the nearest mortar. Magazine lids must open  
14 in the opposite direction to the firing. All ready boxes are to  
15 be protected by a flameproof water repellent canvas cover until  
16 emptied.

17 4. The shell storage area shall be located at a minimum  
18 distance of not less than 25 feet from the discharge site.

19 5. During the display, shells shall be stored upwind from  
20 the discharge site. If the wind shifts during the display, the  
21 shell storage area shall be relocated to be upwind from the  
22 discharge site.

23 6. There shall be at least two 2A-rated fire exting-  
24 uishers (two and one half gallon water), UL approved kept as  
25 widely separated as possible within the actual area where the  
26 discharging will occur.

27 I. Preparation of Site and Crowd Control.

28 1. All dry grass, weeds and other combustible waste  
29 matter within 50 feet of the firing site shall be removed.  
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1           2. The site shall be located so that the trajectory of  
2 shells shall not come within 50 feet of any overhead object  
3 including but not limited to above ground telephone, telegraph  
4 or electrical lines, trees or wooded areas.

5           3. Discharged fireworks shall not come within 100 feet of  
6 any tent or canvas shelter.

7           4. The firing and storage site shall be located not less  
8 than 200 feet from any building, public highway or railroad or  
9 other means of travel.

10          5. No boats shall be allowed within 200 feet of the  
11 firing or storage site.

12          6. The operators shall provide sufficient personnel to  
13 assure that no unauthorized persons are allowed within 200 feet  
14 of the firing and storage site. This requirement shall be in  
15 effect from one-half hour prior to the arrival of fireworks  
16 until all fireworks debris, equipment and fireworks have been  
17 removed from the site.

18          7. Spectators shall be restrained behind lines or  
19 barriers at least 200 feet from the firing and storage locations.

20          J. Installation of Mortars.

21           1. Mortars shall be inspected by the operators for dents,  
22 bent ends, and cracked, or broken plugs prior to ground  
23 placement. Mortars found to be defective in any way shall not  
24 be used. Any scale on the inside surface of the mortars shall  
25 be removed.

26           2. Mortars shall be positioned so that the shells are  
27 carried away from spectators and buildings. When fired over  
28 water, mortars shall be installed at an angle of not less than  
29 10 degrees, pointing toward the water.  
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1           3. Mortars shall be either buried securely into the  
2 ground to a depth of 2/3 to 3/4 of their length or fastened  
3 securely in mortar boxes or drums. In soft ground, heavy timber  
4 or rock slabs shall be placed beneath the mortars to prevent  
5 their sinking or being driven into the ground during firing.

6           4. In damp ground, a weather-resistant bag shall be  
7 placed under the bottom of the mortar prior to placement in the  
8 ground to protect the mortar against moisture.

9           5. Weather-resistant bags shall be placed over the open  
10 end of the mortar in damp weather to keep moisture from  
11 accumulating on the inside surface of the mortar.

12           K. Operation of the Display.

13           1. The operators shall provide fire protection at the  
14 site as required by the fire marshal.

15           2. Only permitted fireworks are authorized for use.

16           3. When the display is fired from a barge or vessel, a  
17 security area shall be established around the barge to prevent  
18 boats from entering the fallout area. No boats shall be allowed  
19 within 200 feet of the firing or storage site. A boat shall be  
20 on standby to remove personnel from the barge or water in an  
21 emergency. Additional fire extinguishers, rated 2A minimum,  
22 shall be on the barge and so spaced that an extinguisher shall  
23 be available within 30 feet at all times.

24           4. If in the opinion of the fire marshal or his author-  
25 ized representative lack of crowd control should pose a danger,  
26 the display shall be immediately discontinued until such time as  
27 the situation is corrected.

28           5. If at any time high winds or unusually wet weather  
29 prevail such that, in the opinion of the fire marshal his  
30 authorized representative or the display operators, a definite  
31 danger exists, the public display shall be postponed until  
32 weather conditions improve to permit safe discharge of fireworks.  
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1           6. Light snow or mist need not cause cancellation of the  
2 display; however, all materials used in the display shall be  
3 protected from the weather until immediately prior to use.

4           7. Display operators and assistants shall use only  
5 flashlights or approved electric lighting for artificial  
6 illumination.

7           8. No smoking or open flames shall be allowed within 50  
8 feet of the firing or storage area as long as shells are  
9 present. Signs to this effect shall be conspicuously posted.

10          9. The first shell fired shall be carefully observed to  
11 determine that its trajectory will carry it into the intended  
12 firing range and that the shell functions over, and any debris  
13 falls into, the planned landing area.

14          10. The mortars shall be re-angled or reset if necessary  
15 at any time during the display.

16          11. When a shell fails to ignite in the mortar, the mortar  
17 shall not be touched for a minimum of 5 minutes. After 5  
18 minutes it shall be carefully flooded with water. Immediately  
19 following the display, the mortar shall be emptied into a bucket  
20 of water. The supplier shall be contacted as soon as possible  
21 for proper disposal instructions.

22          12. Operators shall not attempt to repair a damaged shell  
23 nor shall they attempt to dismantle a dry shell. In all such  
24 cases, the supplier shall be contacted as soon as possible for  
25 proper disposal instructions.

26          13. Operators shall not dry a wet shell, lance, or pot for  
27 reuse.

28          14. The entire firing range shall be inspected immediately  
29 following the display to locate any defective shells. Any such  
30 shells found shall be immediately doused with water before  
31 handling. The shells shall be placed in a bucket of water. The  
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1 supplier shall then be contacted as soon as possible for proper  
2 disposal instructions.

3 15. When fireworks are displayed in darkness the sponsor  
4 shall ensure that the firing range is inspected early the  
5 following morning.

6 16. Any fireworks remaining unfired after the display  
7 shall be immediately disposed of or removed from the county in a  
8 safe manner.

9 17. The debris from discharged fireworks shall be properly  
10 disposed.

11 L. The denial by the fire marshal of a permit for the  
12 public display of fireworks may be appealed to the King County  
13 board of appeals as provided for in Section 4 of this ordinance.

14 SECTION 9. Prohibited Acts.

15 In addition to any other acts prohibited by this ordinance,  
16 the following acts are strictly prohibited:

17 A. The discharge of any fireworks in King County parks is  
18 prohibited unless approved by the manager of the King County  
19 division of parks and recreation and the fire marshal.

20 B. The discharge of fireworks inside or upon a structure is  
21 prohibited, unless a permit has been obtained from the fire  
22 marshal.

23 C. The discharge of fireworks in a manner which constitutes  
24 a hazard to persons or property is prohibited.

25 D. The discharging or throwing of ignited fireworks from  
26 vehicles or buildings is prohibited.

27 E. The discharging or throwing of ignited fireworks from  
28 watercraft or vessels is prohibited, unless a permit has been  
29 obtained from the fire marshal.

30 F. Fireworks shall not be transported in or upon vehicles  
31 used for mass transportation such as buses or trains.  
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1           SECTION 10. Seizure of Fireworks.

2           The fire marshal shall have the authority to seize, take,  
3 remove or cause to be removed at the expense of the owner, all  
4 fireworks offered or exposed for sale, stored, possessed or used  
5 in violation of this ordinance.

6           A. Any person whose fireworks are seized under the  
7 provisions of this ordinance, may within 10 days after such  
8 seizure, petition the fire marshal in writing to return the  
9 fireworks seized upon the grounds that such fireworks were  
10 illegally or erroneously seized. Such petitions shall be  
11 considered by the fire marshal within 15 days after filing and/  
12 or an oral hearing granted to the petitioner if requested. The  
13 decision of the fire marshal shall be provided in writing to the  
14 petitioner. The fire marshal may order the fireworks seized  
15 under this ordinance disposed of, or returned to the petitioner,  
16 if illegally or erroneously seized, providing such return is in  
17 compliance with state law and this ordinance.

18           B. The determination of the fire marshal is final, unless  
19 within 60 days an action is commenced in a court of competent  
20 jurisdiction for the recovery of fireworks seized by the fire  
21 marshal.

22           C. If the fireworks are not returned to the petitioner or  
23 destroyed, the fire marshal shall turn all confiscated fireworks  
24 over to the State fire marshal.

25           SECTION 11. Penalty for violations.

26           A. Criminal Penalty. Any violation of this ordinance  
27 constitutes a misdemeanor and all violations are punishable as  
28 prescribed by law.

29           B. Civil Penalty. As an alternative to any criminal  
30 penalty provided herein or by law any person who violates any  
31 provision of this ordinance shall be subject to a civil penalty  
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1 in an amount not to exceed two hundred fifty dollars per  
2 violation to be directly assessed by the fire marshal. The fire  
3 marshal, in a reasonable manner, may vary the amount of the  
4 penalty assessed to consider the appropriateness of the penalty  
5 to the size of the business of the violator; the gravity of the  
6 violation; the number of past and present violations committed  
7 and the good faith of the violator in attempting to achieve  
8 compliance after notification of the violation. All civil  
9 penalties assessed will be enforced pursuant to K.C.C. Title 23.

10 SECTION 12. Severability. If any provision of this  
11 ordinance or its application to any person or circumstance is  
12 held invalid, the remainder of the ordinance or the application  
13 of the provision to other persons or circumstances shall not be  
14 affected.

15 INTRODUCED AND READ for the first time this 14th day of  
16 May, 19 84.

17 PASSED this 18th day of June, 19 84

19 KING COUNTY COUNCIL  
20 KING COUNTY, WASHINGTON

21 Gary Grant  
22 Chairman

23  
24 ATTEST:

25 Dorothy M. Owens  
Clerk of the Council

26 APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

27  
28 ~~DEEMED ENACTED WITHOUT~~  
~~COUNTY EXECUTIVE'S SIGNATURE~~  
29 King County Executive  
DATED: 6/28/84



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1984 JUN 29 PM 1:41

King County Executive CLERK  
Randy Revelle KING COUNTY COUNCIL

June 29, 1984

The Honorable Gary Grant  
Chairman, King County Council  
C O U R T H O U S E

RE: Fireworks Ordinance

Dear Mr. Chairman:

I am allowing Ordinance 6836, passed by the King County Council on June 18, 1984, to become law without my signature. After careful review, I feel this ordinance, while consistent with Washington State Law, is not as strong as it should be.

The ordinance does not take advantage of an opportunity for King County to go beyond the minimum state regulation to ban several types of fireworks which may cause serious fires or injuries. The new County ordinance is inconsistent with the ordinance of other jurisdictions, such as Seattle and Tacoma, which creates enforcement problems. Moreover, the ordinance does not specify an age limitation for persons who may occupy firework stands, or who may purchase and use fireworks.

The permit fee adopted by the King County Council is not sufficient to recover required inspection costs. Firework stands must be inspected at least three times -- once for approval of the stand location before installation, once to verify the stand is properly installed, and once to verify the stand and all debris have been removed from the site. The Fire Marshal's office will make its best effort to enforce the ordinance with existing resources, but other fire prevention programs will suffer as a result.

I will be asking the Departments of Public Safety and Planning and Community Development to monitor activity during the 1984 fireworks season. Based on their review, I expect to propose appropriate amendments for your consideration for implementation in 1985.

Sincerely,

RANDY REVELLE  
King County Executive

RR:jb

cc: King County Councilmembers

The Honorable Gary Grant  
June 29, 1984  
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cc: (Continued)

ATTN: Cheryle Broom, Program Director  
Jerry Peterson, Council Administrator  
Norm Maleng, King County Prosecuting Attorney  
ATTN: Dick Holmquist, Chief Deputy  
Holly Miller, Director, Department of Planning and Community Development  
ATTN: Bryan Glynn, Manager, Building and Land Development Division  
Vern Thomas, Director, Department of Public Safety