

June 27, 1994

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94-346

ORDINANCE No. **11387**

AN ORDINANCE relating to fireworks and amending Ordinance 6836, Sections 3, 6, 7 and 8 as amended and K.C.C. 6.26.030. .060, .070 and .080.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

NEW SECTION. SECTION 1. Findings of Fact. The Council finds that the State Legislature adopted significant revisions to the law regarding regulation of fireworks in SHB 2642, effective March 28, 1994. Among other significant provisions this bill removed the authority of fire protection districts to issue necessary permits and vested the authority to designate a local fire official in the county. This ordinance vests such authority solely in the fire marshal. In prior years including 1993, there has been significant confusion and disagreement among various fire protection districts and the county regarding the appropriate regulatory authority, and this ordinance is necessary to resolve such issues. This confusion under the current ordinance, has lead to delay in decisions regarding permit issuance and regulatory enforcement and enactment of this proposed ordinance is necessary to resolve such issues and allow proper protection of the public health, safety, and welfare. Enactment of this ordinance is necessary to provide for the orderly and rational administration of this chapter and to provide conformity with state and federal law with respect to penalties for violation of this chapter and to clarify policies with respect to storage, transportation and other provisions of this chapter.

SECTION 2. Ordinance 6836 Section 3 as amended, and K.C.C. 6.26.030 is hereby amended to read as follows:

Permits. A. Permits shall be obtained:

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

1           Exception: (~~Storage not to exceed 10 pounds of common~~  
 2 ~~fireworks in private residences during the sales period~~  
 3 ~~established in this chapter.~~) Storage of common fireworks,  
 4 up to thirty pounds gross weight, is allowed in private  
 5 residences during the sales and use period established by  
 6 state law.

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

9           Exception: Possession of common fireworks lawfully  
 10 purchased at retail.

11           3. To conduct a public display of fireworks.

12           4. To discharge special fireworks.

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

14           6. For religious or specific purposes: religious  
 15 organizations, private organizations or persons may purchase,  
 16 use or discharge common fireworks and audible ground devices  
 17 such as firecrackers, salutes and chasers:

18           Provided that:

19           There shall be no fee for such permit;

20           They are used on prescribed dates at prescribed times  
 21 and locations;

22           7. To transport any fireworks.

23           Exception: Transportation by a public carrier to a  
 24 licensee; or transportation by a state fireworks license  
 25 holder or state licensed pyrotechnician; or transportation of  
 26 common fireworks lawfully purchased at retail in a private  
 27 passenger vehicle (~~during the legal sales period established~~  
 28 ~~in this chapter~~)).

29           The fire marshal may waive or reduce the insurance  
 30 requirements of this chapter when appropriate. Any waiver or  
 31 reduction shall be in writing.

32           B. No person under eighteen years of age may apply for  
 33 or receive a permit under this chapter.

1 C. An application for a permit shall be made in writing  
2 to the fire marshal (~~and a copy of such application shall be~~  
3 ~~delivered to the chief of the fire protection district in~~  
4 ~~which the activity is proposed to take place at least 30 days~~  
5 ~~in advance of the use of the permit. Prior to the issuance of~~  
6 ~~the permit by the King County fire marshal, the protection~~  
7 ~~district in which the activity is to take place may~~) who  
8 shall investigate the application pursuant to RCW 70.77.265  
9 or RCW 70.77.280 in the case of proposed public displays of  
10 fireworks (~~, and submit a report of findings and a~~  
11 ~~recommendation for or against the issuance of the permit~~  
12 ~~together with reasons to the fire marshal. In the event no~~  
13 ~~such report is submitted, the fire marshal shall perform the~~  
14 ~~necessary investigation~~). Permits for retail sales and  
15 public display of fireworks shall be granted within 15 days  
16 of the application and the chief of the fire protection  
17 district in which the permitted activity is to take place  
18 shall be notified. After a permit is granted, transportation,  
19 storage, discharge, sale, possession, use and distribution of  
20 fireworks shall be lawful only for the purpose stated on the  
21 permit. No permit granted hereunder shall be transferable.

22 D. Except as otherwise specifically stated in this  
23 chapter, in order to receive any permit under this chapter  
24 the permit applicant must provide a certificate of insurance  
25 evidencing a comprehensive general liability insurance policy  
26 providing limits of one million dollars (\$1,000,000),  
27 combined single limit, per occurrence and annual aggregate,  
28 and naming King County as an additional insured. Any such  
29 insurance policy must be approved by the King County fire  
30 marshal.

31 E. A permit shall not be denied unless the application  
32 fails to meet the conditions required under this chapter.

1           F. In the event of drought or other fire hazard  
 2 conditions that pose a threat to the public health, safety  
 3 and welfare, the King County Executive may, by Executive  
 4 order, declare an emergency and prohibit the sale or use of  
 5 fireworks for that immediate year or until such conditions no  
 6 longer exist.

7           SECTION 3. Ordinance 6836 Section 6 as amended, and  
 8 K.C.C. 6.26.060 is hereby by amended to read as follows:

9           Retail Sales and Discharge of Fireworks. A. Only common  
 10 fireworks as defined in this chapter are legal for sale to  
 11 any person a minimum of 16 years of age or to youths in the  
 12 presence of a parent or guardian.

13           1. Proof of age and identification shall be one of the  
 14 following: valid driver's license, or an identification card  
 15 of a state, federal or foreign government. Forms of  
 16 identification must have a picture.

17           B. The sale, possession, use or discharge of any  
 18 fireworks prior to 12:00 noon on June 28th or after 12:00  
 19 midnight on July 4th each year is prohibited except where  
 20 authorized by the fire marshal or exempted under this  
 21 chapter.

22           No common fireworks may be sold except between the  
 23 following hours and dates:

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

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

26           No common fireworks may be discharged except between the  
 27 following hours and dates:

28           July 4   9:00 a.m. to 12:00 midnight

29           (~~Provided that:~~

30           ~~King County restricts the discharge of common fireworks~~  
 31 ~~in calendar year 1992 to July 4 only. The times of discharge~~  
 32 ~~shall be from 9:00 a.m. to 11:00 p.m.~~

1       ~~No common fireworks shall be sold after July 4 in~~  
2 ~~calendar year 1992 only.)~~)

3       C. Only fireworks defined as common fireworks in this  
4 chapter may be sold at retail stands.

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

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

14       F. A cash deposit in the amount of one hundred and fifty  
15 dollars (\$150.00) must be posted with the fire marshal at  
16 least 30 days in advance of the initial sales date to provide  
17 for costs of site cleanup. The deposit shall be forfeited to  
18 King County if the operator fails to perform such cleanup by  
19 July 10th of the permit year. If the operator properly  
20 performs the cleanup, the deposit shall be returned to the  
21 operator.

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

26       H. Only one permit per year for the retail sale of  
27 fireworks shall be issued to any person and that permit shall  
28 entitle the permittee to maintain one retail outlet only.

29       SECTION 4. Ordinance 6836 Section 7 as amended, and  
30 K.C.C. 6.26.070 is hereby by amended to read as follows:

31       Operation of Retail Outlets. A. The permittee's location or  
32 place of business, if a temporary fireworks stand, shall be  
33 only in those areas or zones within King County which have

1 been approved by the King County fire marshal, or his duly  
2 authorized representative.

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

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

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

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

19 4. No temporary fireworks stand shall be located  
20 within twenty-five feet of any public or private street,  
21 alley, lane, or any other vehicular driving surface, fifty  
22 feet of any building or structure, or within one hundred feet  
23 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  
28 prevent such parking.

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

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

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

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

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

15          11. Each temporary fireworks stand shall be under the  
16 direct supervision of a competent adult person, eighteen  
17 years of age or older. No person under the age of sixteen  
18 shall be allowed in the stand during business hours.

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

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

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

30          15. Customers shall not be permitted inside the stand.

31          16. A stand must be located either at least 300 feet  
32 from another fireworks stand or separated from another

1 fireworks stand by a major arterial thoroughfare at least 100  
2 feet in width.

3 17. The sale of fireworks to persons under the age of  
4 sixteen years without the presence of a parent or guardian is  
5 prohibited. A sign to this effect shall be posted  
6 conspicuously on the stand. Sellers shall require proof of  
7 age by means of display of a driver's license or photo  
8 identification card showing date of birth issued by a state,  
9 federal or foreign government. No other forms of  
10 identification shall be accepted.

11 18. Each stand shall prominently post a list of  
12 fireworks that may be sold to the public and stating the  
13 lawful hours for discharge (~~that discharge is lawful only~~  
14 ~~July 4th between 9:00 a.m. and 12 midnight.~~) The fire  
15 marshal shall provide a copy of such notice with each retail  
16 permit issued under this chapter.

17 SECTION 5. Ordinance 6836 Section 8 as amended, and  
18 K.C.C. 6.26.080 is hereby amended to read as follows:

19 Public Display of Fireworks. A. Application for permit.  
20 Any person desiring to give public displays of fireworks,  
21 shall make an application for a permit to operate the public  
22 display, in writing, to the King County fire marshal. Such  
23 application shall set forth:

24 1. The name of the organization sponsoring the  
25 display, together with the names of persons actually in  
26 charge of the firing of the display;

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

29 3. The exact location planned for the display;

30 4. The number and kind of fireworks to be discharged;

31 5. The manner and place of storage of such fireworks  
32 prior to the display;



1           6. A diagram of the grounds on which the display is to  
2 be held showing the point at which the fireworks are to be  
3 discharged, the location of all buildings, highways and other  
4 lines of communication within two hundred feet of the point  
5 of discharge, the lines or other overhead obstructions.

6           B. Fee for public display permit. The fee for the  
7 permit shall be the maximum authorized by the laws of the  
8 State of Washington. The permit required by this section  
9 shall be in addition to the license required by the state  
10 fire marshal.

11           C. Investigation of site; certificate of compliance by  
12 the fire marshal - Notice of approval by the King County  
13 department of public safety. Upon receipt of such  
14 application, at least twenty days in advance of the date set  
15 for the display, the fire marshal shall make an investigation  
16 of the site of the proposed display for the purpose of  
17 determining whether the provisions of these regulations are  
18 complied with in the case of the particular display. If the  
19 fire marshal is satisfied that the display is lawful and  
20 there has or will be full compliance with the law, then the  
21 fire marshal shall issue a written recommendation for or  
22 against the permit which shall be kept on file in the fire  
23 marshal's office and available for review by the King County  
24 board of appeals. If the fire marshal finds that the permit  
25 applicant has complied with the law, the fire marshal may  
26 issue a certificate of compliance stating the display is in  
27 conformance with all parts of the law and with these  
28 regulations. For any scheduled public display, applicants  
29 must submit, such information as deemed appropriate by the  
30 King County department of public safety to insure that  
31 adequate traffic control and crowd protection policing has  
32 either been arranged through private security agencies or,  
33 has been contracted for with the King County department of

1 public safety. A written notice that the applicant has  
2 complied with the requirement shall be issued by the director  
3 of the King County department of public safety before a  
4 public display permit is issued, provided, that if the  
5 applicant should contract for traffic control and crowd  
6 protection policing with King County, in no event should the  
7 sum agreed upon in payment for such policing be less than the  
8 actual expense incurred by the county in providing that  
9 service. Such consideration shall be calculated for personnel  
10 resources in the hourly rate for overtime under the current  
11 collective bargaining agreement, plus that percentage then  
12 being paid for fringe benefits, and all sums paid under such  
13 contract shall be paid in accordance with procedures  
14 specified by the King County office of finance.

15 D. Every public display of fireworks shall be handled by  
16 at least one state licensed operator and one assistant at  
17 least 18 years of age, and shall be so located, discharged,  
18 or fired, that, in the opinion of the fire marshal, after  
19 proper investigation, it will not constitute a hazard to  
20 property or endanger any person.

21 E. All fireworks must be fired under the direction of a  
22 pyrotechnician licensed by the State of Washington.

23 F. A bond or certificate of insurance must be furnished  
24 to the fire marshal before a permit is issued. The bond  
25 shall be in the amount of one million dollars (\$1,000,000)  
26 and shall be conditioned upon the applicant's payment of all  
27 damages to persons and property resulting from or caused by  
28 such public display of fireworks, or by any negligence on the  
29 part of the applicant or its agents, servants, employees or  
30 subcontractors in the presentation of the display. The  
31 certificate of insurance shall evidence a comprehensive  
32 general liability insurance policy providing limits of one  
33 million dollars (\$1,000,000) combined single limit, per

1 occurrence and annual aggregate, and naming King County as an  
2 additional insured. Any such bond or insurance policy must  
3 be approved by the King County fire marshal.

4 G. A cash deposit in the amount of one hundred and fifty  
5 dollars (\$150.00) must be posted with the fire marshal at  
6 least 30 days in advance of the public display date to  
7 provide for costs of site cleanup. The deposit shall be  
8 forfeited to King County if the operator fails to perform  
9 such cleanup within 6 days of the public display. If the  
10 operator properly performs the cleanup, the deposit shall be  
11 returned to the operator.

12 H. Construction of Shells - The construction of shells  
13 for public display shall be in accordance with the National  
14 Fire Protection Association (NFPA) Standard #1123, Outdoor  
15 Display of Fireworks, 1990 edition, together with amendments  
16 contained in this section.

17 I. Storage.

18 1. The storage of fireworks for public display shall  
19 be in conformance with the National Fire Protection  
20 Association Standard #1123, Outdoor Display of Fireworks,  
21 1990 edition, together with amendments contained in this  
22 section.

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

27 J. Preparation of Site and Crowd Control.

28 1. The site preparation and crowd control for public  
29 displays shall be in conformance with the National Fire  
30 Protection Association Standard #1123, Outdoor Display of  
31 Fireworks, 1990 edition, together with amendments contained  
32 in this section.

1           2. All dry grass, weeds and other combustible waste  
2 matter within 50 feet of the firing site shall be removed.

3           3. The site shall be located so that the trajectory of  
4 shells shall not come within 50 feet of any overhead object  
5 including but not limited to above ground telephone,  
6 telegraph or electrical lines, trees or wooded areas.

7           K. Installation of Mortars.

8           1. The installation of mortars for public displays  
9 shall be in conformance with the National Fire Protection  
10 Association Standard #1123, Outdoor Display of Fireworks,  
11 1990 edition, together with amendments contained in this  
12 section.

13          L. Electrical Firing Unit - The design and use of  
14 electrical firing units for public display shall be in  
15 conformance with the National Fire Protection Association  
16 Standard #1123, Outdoor Display of Fireworks, 1990 edition,  
17 together with amendments contained in this section.

18          M. Operation of the Display and Firing of Shells.

19          1. The operation of public displays and the firing of  
20 shells shall be in conformance with the National Fire  
21 Protection Association Standard #1123, Outdoor Display of  
22 Fireworks, 1990 edition, together with amendments contained  
23 in this section.

24          2. Only permitted fireworks are authorized for use.

25          3. When the display is fired from a barge or vessel, a  
26 security area shall be established in conformance with  
27 National Fire Protection Association Standard # 1123 Outdoor  
28 Display of Fireworks, 1990 Edition, together with amendments  
29 contained in this section. No boats shall be allowed within  
30 this security area. A boat shall be on standby to remove  
31 personnel from the barge or water in an emergency.

1 4. No smoking or open flames shall be allowed within  
2 50 feet of the firing or storage area as long as shells are  
3 present. Signs to this effect shall be conspicuously posted.

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

7 6. The debris from discharged fireworks shall be  
8 properly disposed.

9 N. The denial by the fire marshal of a permit for the  
10 public display of fireworks may be appealed to the King  
11 County board of appeals as provided for in K.C.C. 6.26.040.

12 INTRODUCED AND READ for the first time this 6<sup>th</sup>  
13 day of June, 1994.

14 PASSED this 27<sup>th</sup> day of June, 1994.

15 KING COUNTY COUNCIL  
16 KING COUNTY, WASHINGTON

17 Kent Pullen  
18 Chair

19 ATTEST:

20 Gerald A. Peterson  
21 Clerk of the Council

22 APPROVED this 5<sup>th</sup> day of July, 1994.

23 Ray Locke  
24 King County Executive

25 Attachments: