



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

June 28, 2010

Ordinance 16867

Proposed No. 2010-0350.2

Sponsors Hague

1 AN ORDINANCE relating to limiting the sale and
2 discharge of fireworks in the city of Kirkland's Finn
3 Hill/Juanita/Kingsgate Potential Annexation Area;
4 prescribing penalties; and declaring an emergency.

5 **SECTION 1. Findings:**

6 A. Washington state law allows the sale and discharge of legal fireworks during
7 specific periods. Washington state law allows a city or county to adopt regulations that
8 are more restrictive than state law concerning the sale and discharge of fireworks, but
9 does not allow those more restrictive regulations to go into effect until one year after they
10 are enacted.

11 B. Upon annexation, the city of Kirkland's development regulations will apply in
12 the newly annexed area.

13 C. The city of Kirkland has adopted regulations that are more restrictive than
14 state law and generally bans the sale or discharge of fireworks within its city limits.

15 D. King County has adopted regulations that are more restrictive than state law,
16 but does allow the sale and discharge of fireworks for a more limited period of time than
17 state law allows.

18 E. The city of Kirkland has initiated the annexation of the Finn
19 Hill/Juanita/Kingsgate Potential Annexation Area.

20 F. The city of Kirkland has requested King County adopt a ban on the sale and
21 discharge of all fireworks in the Finn Hill/Juanita/Kingsgate Potential Annexation Area
22 in time for the ban to take effect by July 1, 2011.

23 G. To avoid any situation where fireworks are not banned in Kirkland's Potential
24 Annexation Area by July 1, 2011, King County is adopting this legislation now.

25 H. In order for the ban to take effect before the July 4 holiday in 2011, King
26 County must enact the ban before the July 4 holiday in 2010.

27 SECTION 2. The definitions of chapter 70.77 RCW, as now stated or hereafter
28 amended, shall govern the construction of this ordinance, when applicable. RCW
29 70.77.120 through and including RCW 70.77.230, as now stated or hereinafter amended,
30 is adopted by this reference. In addition, the following definitions apply to this
31 ordinance:

32 A. "Dangerous fireworks" means any fireworks not defined as a "common
33 fireworks" under RCW 70.77.136.

34 B. "Finn Hill/Juanita/Kingsgate Potential Annexation Area" means the area in
35 Attachment A to this ordinance.

36 SECTION 3. It is unlawful for any person, firm or corporation to sell any
37 fireworks within the Finn Hill/Juanita/Kingsgate Potential Annexation Area; provided,
38 that this prohibition does not apply to duly authorized public displays.

39 SECTION 4. Except as authorized by state license and county permit granted
40 pursuant to RCW 70.77.260(2) (public display) or 70.77.311(2) (use by group or
41 individual for religious or other specific purpose on approved date and at an approved
42 location), it is unlawful for any person, firm or corporation to engage in the retail sale of,

43 or to sell, possess, use, transfer, discharge or explode any fireworks of any kind within
44 the Finn Hill/Juanita/Kingsgate Potential Annexation Area.

45 SECTION 5. It is unlawful for any person, firm or corporation to hold, conduct
46 or engage in a public display of fireworks within the Finn Hill/Juanita/Kingsgate
47 Potential Annexation Area without first having obtained and being the holder of a valid
48 permit issued pursuant to the provisions of this ordinance.

49 SECTION 6. A. Each public display permit issued pursuant to this ordinance
50 shall be valid for the specific authorized public display event only, shall be used only by
51 the designated permittee and shall be nontransferable. Any transfer or unauthorized use
52 of a permit is a violation of this ordinance and shall void the permit granted in addition to
53 all other sanctions provided in this ordinance.

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

56 C. An application for a permit shall be made in writing to the fire marshal who
57 shall investigate the application pursuant to RCW 70.77.265 or 70.77.280 in the case of
58 proposed public displays of fireworks. Permits for retail sales and public display of
59 fireworks shall be granted within fifteen days of the application and the chief of the fire
60 protection district in which the permitted activity is to take place shall be notified. After
61 a permit is granted, transportation, storage, discharge, sale, possession, use and
62 distribution of fireworks shall be lawful only for the purpose stated on the permit.

63 D. A permit shall not be denied unless the application fails to meet the conditions
64 required under this ordinance.

65 E. In the event of drought or other fire hazard conditions that pose a threat to the
66 public health, safety and welfare, the King County executive may, by executive order,
67 declare an emergency and prohibit the sale or use of fireworks for that immediate year or
68 until such conditions no longer exist.

69 SECTION 7. A. Any person desiring to give public displays of fireworks, shall
70 make an application for a permit to operate the public display, in writing, to the King
71 County fire marshal. Such application shall set forth:

- 72 1. The name of the organization sponsoring the display, together with the names
73 of persons actually in charge of the firing of the display;
- 74 2. The date and time of day at which the display is to be held;
- 75 3. The exact location planned for the display;
- 76 4. The number and kind of fireworks to be discharged;
- 77 5. The manner and place of storage of such fireworks prior to the display;
- 78 6. A diagram of the grounds on which the display is to be held showing the
79 point at which the fireworks are to be discharged, the location of all buildings, highways
80 and other lines of communication within two hundred feet of the point of discharge, the
81 lines or other overhead obstructions.

82 B. The fee for the permit shall be the maximum authorized by the laws of the
83 state of Washington. The permit required by this ordinance shall be in addition to the
84 license required by the state Fire Marshal.

85 SECTION 8. All public fireworks displays shall conform to the following
86 minimum standards and conditions:

87 A. All public fireworks displays must be planned, organized, and discharged by a
88 state-licensed pyrotechnician.

89 B. The applicant for a public display of fireworks permit shall include with the
90 application evidence of a bond issued by an authorized surety or a certificate of public
91 liability insurance. Such bond or certificate shall conform to the requirements set forth in
92 RCW 70.77.285 and 70.77.355.

93 C. All combustible debris and trash shall be removed by the applicant from the
94 area of discharge for a distance of three hundred feet in all directions.

95 D. Applicant shall dispose of all unfired or "dud" fireworks in a safe manner.

96 E. Applicant shall provide the fireworks discharge site a minimum of two 2A-
97 rated pressurized water fire extinguishers and one fire blanket.

98 F. The permit may be immediately revoked at any time deemed necessary by the
99 fire marshal or designee due to any noncompliance, weather conditions such as extremely
100 low humidity or wind factor. The display may also be canceled by accidental ignition of
101 combustible or flammable material in the vicinity due to fall debris from the display.

102 G. Areas of public access shall be determined by the fire chief or designee and
103 maintained by the applicant in an approved manner.

104 SECTION 9. The discharge of any fireworks in King County parks in the Finn
105 Hill/Juanita/Kingsgate Potential Annexation Area is prohibited unless approved by the
106 manager of the King County parks and recreation division and the fire marshal.

107 SECTION 10. This ordinance does not prohibit the assembling, compounding,
108 use and display of special effects of whatever nature by any person engaged in the
109 production of motion pictures, radio or television productions, theatricals or operas when

110 such use and display is a necessary part of the production and such person possesses a
111 valid permit issued by the county to purchase, possess, transport or use such fireworks.

112 SECTION 11. This ordinance does not prohibit the use of flares or fuses in
113 connection with the operation of motor vehicles, railroads, or other transportation
114 agencies for signal purposes or illumination or for use in forest protection activities.

115 SECTION 12. This ordinance is intended to implement chapter 70.77 RCW, and
116 shall be construed in connection with that law and any and all rules or regulations issued
117 pursuant thereto.

118 SECTION 13. A. The fire marshal, or designee, is authorized to enforce all
119 provisions of this ordinance and, in addition to criminal sanctions or civil remedies,
120 he/she may revoke any permit issued pursuant to this ordinance upon any failure or
121 refusal of the permittee to comply with the orders and directives of the fire marshal or
122 designee, and/or to comply with any provisions of this code relating to temporary
123 structures.

124 B. Any violation of this ordinance constitutes a misdemeanor and all violations
125 are punishable as prescribed by law.

126 C. As an alternative to any criminal penalty provided herein or by law, any
127 person who violates any provision of this ordinance shall be subject to a civil penalty in
128 an amount not to exceed two hundred fifty dollars per violation to be directly assessed by
129 the fire marshal. The fire marshal, in a reasonable manner, may vary the amount of the
130 penalty assessed to consider the appropriateness of the penalty to the size of the business
131 of the violator; the gravity of the violation; the number of past and present violations
132 committed and the good faith of the violator in attempting to achieve compliance after

133 notification of the violation. All civil penalties assessed will be enforced pursuant to
134 K.C.C. Title 23.

135 D. A person commits a separate offense for each day during which the person
136 commits, continues or permits a violation of any provision of this ordinance.

137 SECTION 14. If any provision of this ordinance or its application to any person
138 or circumstance is held to be invalid, the remainder of the ordinance or the application of
139 the provision to other persons or circumstances is not affected.

140 SECTION 15. The county council finds as a fact and declares that an emergency
141 exists and that this ordinance is necessary for the immediate preservation of public peace,
142 health or safety or for the support of county government and its existing public
143 institutions.

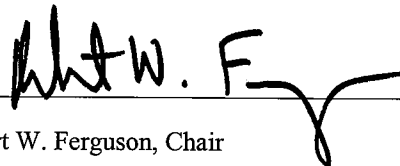
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145 SECTION 16. This ordinance applies only within the Finn Hill/Juanita/Kingsgate
146 Potential Annexation Area. This ordinance expires December 31, 2012.
147


Ordinance 16867 was introduced on 6/14/2010 and passed by the Metropolitan King
County Council on 6/28/2010, by the following vote:

Yes: 8 - Ms. Drago, Mr. Phillips, Mr. von Reichbauer, Ms. Hague,
Ms. Patterson, Ms. Lambert, Mr. Ferguson and Mr. Dunn
No: 0
Excused: 1 - Mr. Gossett

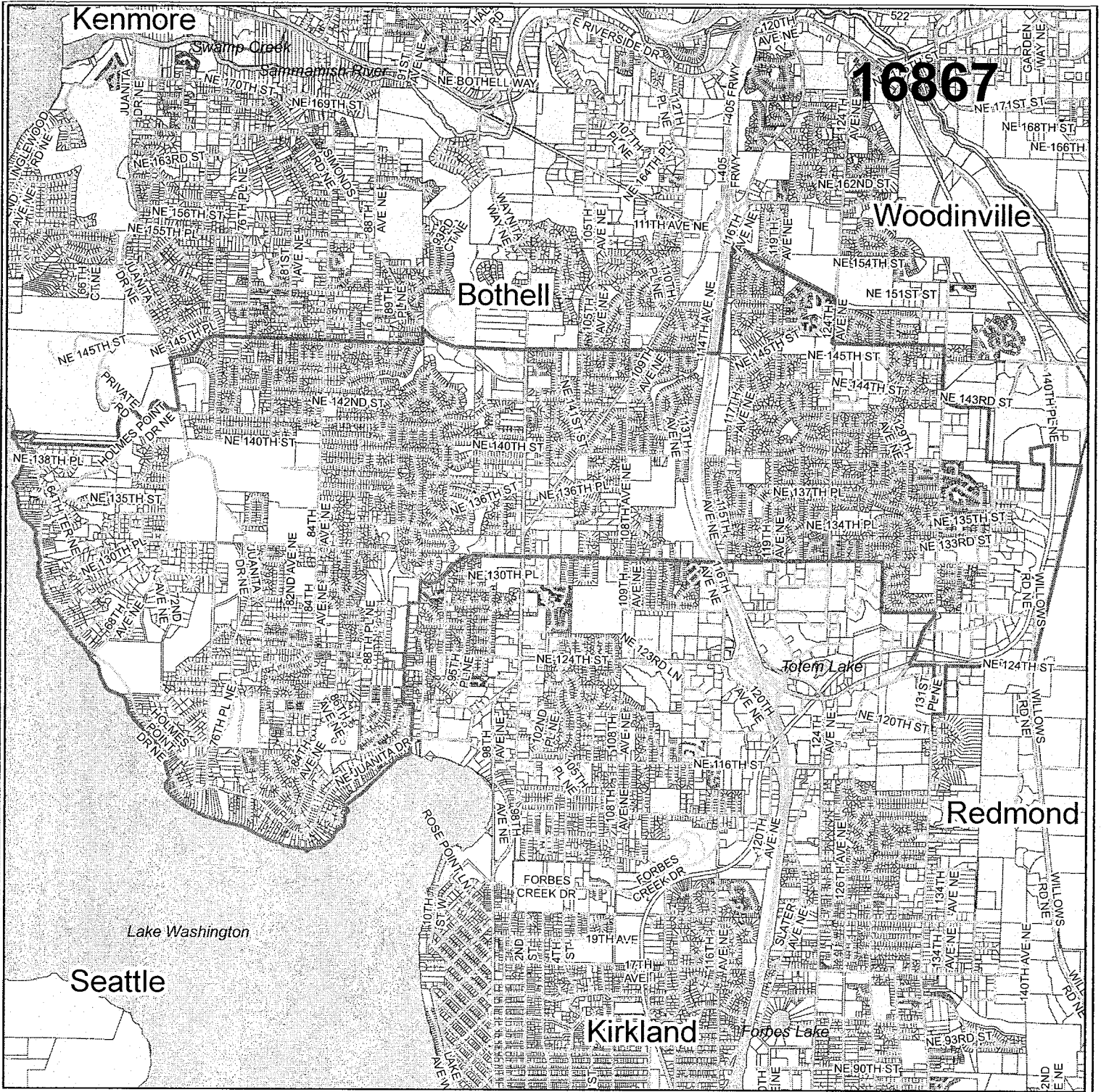
KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Robert W. Ferguson, Chair

ATTEST:


Anne Noris, Clerk of the Council

Attachments: A. Kirkland Finn Hill/Juanita/Kingsgate Annexation Area Map



Attachment A

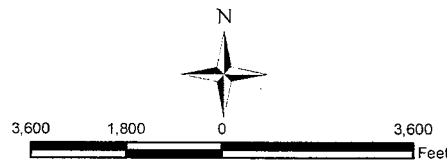
2010-0350

Kirkland Finn Hill/Juanita/Kingsgate Annexation Area



King County
Department of Development
and Environmental Services

- Parcels
- Potential Annexation Area
- Incorporated Areas



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