

Chapter 5.54

FIREWORKS

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5.54.010 Definitions Incorporated by Reference. As used in this chapter, the term "fireworks", "display fireworks", and "consumer fireworks" shall have the same meaning and be defined in Chapter 70.77 RCW, as amended by Chapter 370, Laws of 2002. (Ord. 1622, 1987; Ord. 2007, 2002)

5.54.020 Permit Required. No person, firm, partnership or corporation shall establish or maintain a place where fireworks are sold without first having obtained a City fireworks permit. Such permit shall be issued if the application meets the requirements of RCW Chapter 70.77 and all ordinances of the City of Snohomish. (Ord 1781, 1995)

5.54.030 Permit Procedure. Any adult person, firm, partnership, corporation, association or other group may apply for a fireworks permit. The application shall be in writing and shall be filed with the local fire official after April 10th and before May 10th. The application shall include the following:

- A. Proof that the applicant has been issued a fireworks license by the state fire marshal;
- B. Certification of insurance in a minimum amount of one million dollars Combined single limit covering bodily injury liability and premises liability with the applicant names as insured, and also naming the City of Snohomish, its officers and employees in their capacities acting as agents for the City of Snohomish;
- C. Site map showing location of the proposed stand, including street names, sidewalks, distances from structures and driveways;
- D. Sketch of proposed stand showing approximate dimensions and materials;
- E. Signed statement of property owner's permission to place a fireworks stand at the proposed location;
- F. Cashier's receipt showing payment of permit fee and/or clean up fee as established by Council resolution. (Ord 2091, 2005)

5.54.040 Action by City Council or designee. After a completed permit application is received, the City Council or its designee shall grant the permit, if the application meets the standards under Ch. 70.77 RCW and Ch. 5.54 SMC. The permit shall be granted by June 10th, or no less than 30 days after receipt of a complete application, whichever occurs first. The City

Council may designate the City Manager as the approval authority for fireworks permits under this Chapter. The decision of the City with respect to an application shall be final. (Ord. 2091, 2005)

5.54.050 Issuance of Permit--Non-transferable. Upon approval by the City Council or its designee of the fireworks permit, the City Clerk shall issue the same to the applicant. The permit shall be for a term of one year. No permit shall be transferable without express approval by the City Council or its designee. (Ord. 2091, 2005)

5.54.060 Dates for Sale and Use of Consumer Fireworks. No consumer fireworks shall be sold within the City except from nine a.m. to ten p.m. on July 1st, 2nd, 3rd, and 4th of each year. Hours of discharge or use shall be limited to nine a.m. to eleven p.m. July 1st, 2nd, 3rd, and 4th. The sale, use and discharge of consumer fireworks from December 27, 2002, to December 31, 2002, and from December 27th to December 31st of each year thereafter, and at all other times except as provided above, shall be and hereby is specifically prohibited. (Ord. 1736, 1993; Ord. 1781, 1995; Ord. 2007, 2002)

5.54.070 Storage of Unsold Stocks of Fireworks. Unsold stocks of fireworks remaining after the authorized sales period provided above shall be returned on or before July 31st of the same year to an approved storage facility of a licensed fireworks wholesaler, or to some other magazine or storage place approved by the local fire official. (Ord. 1622, 1987)

5.54.080 Discharge of Display Fireworks. No person shall discharge display fireworks as defined at any place in the City except as authorized by state license and local permit for a public display of fireworks as defined by Chapter 70.77 RCW as amended by Chapter 370, Laws of 2002. (Ord. 1622, 1987; Ord. 2007, 2002)

5.54.090 Restriction on Sale of Common Fireworks. No person shall sell or transfer any consumer fireworks to a consumer or user thereof other than at a fixed place of business or a retailer for which a fireworks permit has been issued. No sale of fireworks shall be to a person under the age of 16. (Ord. 1622, 1987; Ord. 2007, 2002)

5.54.100 Specifications for Fireworks Stands. Consumer fireworks shall not be sold from any permanent buildings or structures. Temporary fireworks stands shall be constructed in accordance with the following specifications, subject to approval by the local fire official and building inspector:

- A. Fireworks stands shall be located more than one hundred feet from any place of assembly, gasoline station, storage tank, or premises where flammable liquids are stored, and shall be located more than fifty feet from all other structures;
- B. Fireworks stands shall be erected to the satisfaction of the fire department and shall be structurally sound and will have the following:
 - 1. No less than two exits located at opposite ends of the stand. It shall remain unobstructed at all times,
 - 2. No less than two fire extinguisher (water) of not less than a 2A rating,
 - 3. "No Smoking" signs installed so that they are visible on all four sides of the stand,
 - 4. A no parking area of twenty-five feet in front of the stand and within fifteen feet of the three other sides of the stand shall be roped or barricaded off,

5. Fireworks stored and displayed so that the general public cannot physically handle the fireworks,
 6. No matches, lighters, open fires, or other sources of ignition shall be sold or stored in the stand,
 7. No discharge of fireworks within one hundred feet of the stand,
 8. All weeds and combustible materials shall be cleared from within at least twenty-five feet of a fireworks stand.
- C. All permits, including these standards, shall be posted and maintained in the stand at all times;
- D. Stands shall be removed and area cleaned up by July 11th (five days after sales cease). (Ord. 1622, 1987; Ord. 2007, 2002)

5.54.110 Operation of Fireworks Stands.

The party holding the fireworks permit shall operate the fireworks stand exclusively by and through its employees, members or designees. No person under the age of eighteen years shall staff a fireworks stand.

- A. One operator shall remain at the counter where fireworks are sold at all times that the stand is open.
- B. Operators shall enforce the no smoking rule.
- C. Operators shall enforce no parking within the barricaded area described in Section 5.54.100 (b) (4) of this chapter.
- D. When stands are closed, the fireworks area shall be closed and locked. Sleeping therein is prohibited.
- E. No fireworks shall be sold to persons under 16 years of age. All fireworks stands shall post, in at least two

conspicuous places, a sign, acceptable in size, form and content to the local fire official, concerning the prohibition of sales of fireworks to persons under the age of 16 years. (Ord. 1736, 1993)

- F. Only such fireworks as authorized by the state of Washington, pursuant to RCW 70.77, will be sold.
- G. A list of all fireworks which may be sold to the public shall be posted prominently and maintained at each retail outlet. The posted list shall be in a form approved by the state fire marshal. (Ord. 1622, 1987; Ord. 1672, 1989)

5.54.120 Fees. The City Council shall establish the fees for permits and/or clean up fees issued pursuant to this ordinance by council resolution. (Ord. 1622, 1987)

5.54.130 Enforcement -- Revocation of Permit.

The local fire official shall be authorized to enter and inspect all fireworks stands to assure compliance with the provisions of this chapter and to protect the public health, safety and welfare. The fire official is authorized to temporarily revoke any permit, for cause. Any party aggrieved by such revocation shall have the right to appeal the same to the City Council within ten days thereafter. The decision of the City Council shall be final. (Ord. 1622, 1987)

5.54.140 Seizure of Fireworks.

Any fireworks which are illegally sold, offered for sale, used, discharged, possessed or transported in violation of this chapter shall be subject to seizure by the local fire official or his designee or the Chief of Police or his designee or the state fire marshal. Any fireworks seized may be disposed of by the local fire official or designee by distribution at any time subsequent to thirty days from such seizure or ten days from the termination of proceedings under Section 5.54.150. (Ord. 1622, 1987)

5.54.150 Seizure Proceedings. Seized fireworks may be returned after a petition is filed and, if requested, a hearing held proves the fireworks were illegally or erroneously seized.

- A. Any person whose fireworks are seized under Section 5.54.140 may within ten days after such seizure petition the local fire official or state fire marshal to return the fireworks seized upon the ground that such fireworks were illegally or erroneously seized. Any petition filed hereunder shall be considered by the local fire official or state fire marshal within fifteen days after filing and an oral hearing granted the petitioner, if requested. Notice of the decision of the local fire official or state fire marshal shall be served upon the petitioner. The local fire official or state fire marshal may order the fireworks seized to be disposed of or returned to the petitioner if illegally or erroneously seized. The determination of the local fire official or state fire marshal is final unless within sixty days an action is commenced in a court of competent jurisdiction for the recovery of the fireworks seized by the local fire official or state fire marshal.
- B. If the fireworks are not returned to the petitioner or destroyed, the local fire official or state fire marshal may sell confiscated common fireworks to wholesalers licensed by the state fire marshal. Sale shall be by public auction after publishing a notice of the date, place and time of the auction in a newspaper of general circulation in Snohomish County at least three days before the date of the auction. Proceeds of the sale of seized fireworks shall be deposited in a general fund. Fireworks that are not legal for use and possession shall be destroyed by the local fire official or state fire marshal. (Ord, 1622, 1987)

5.54.160 Penalty for Violation. Any person, firm, partnership, corporation, association or other group violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding three hundred dollars, or by imprisonment for a period not exceeding ninety days, or by both such fine and imprisonment, The fireworks permit of any violator shall be revoked. (Ord. 1622, 1987)

5.54.170 Purpose and Intent -- Liability.

- A. It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.
- B. It is the specific intent of this chapter that no provision nor any term used in this chapter is intended to impose any duty whatsoever upon the City or any of its officers or employees, for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.
- C. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from the failure of a permittee to comply with the provisions of this chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement pursuant to this chapter, or by reason of any action or inaction on the part of the City related in any manner to the enforcement of this chapter by its

officers, employees or agents. (Ord. 1622,1987)

5.54.180 Severability. The provisions of this chapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this chapter or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this chapter, or the validity of its application to other persons or circumstances. (Ord. 1622, 1987)