AN ORDINANCE relating to fire and explosion hazards and to fireworks and providing for the issuance of fireworks permits and repealing Kent City Ordinance 0.683 s. 14--1937.

THE CITY COUNCIL OF THE CITY OF KENT DO ORDAIN as follows:

Section 1. Kent City Ordinance 0.683 s. 14--1937 which reads as follows:

7.2.56 USE OR SALE OF FIRECRACKERS OR EXPLOSIVES. It shall be unlawful for any person or persons to sell, offer to sell, use, store, discharge, explode or otherwise have or use any firecracker bomb or other explosive, except commercial explosives, within the limits of the City of Kent.

It shall be unlawful for any person or persons to have for sale, sell or otherwise dispose of, or to use or discharge any fireworks within the limits of the City of Kent except as hereinafter provided.

Any person or persons desiring to use or discharge any fireworks of any kind or character, except firecrackers, bombs or other explosives of that nature, shall make application for a permit for such use, said application to be made to the City Clerk at least three days before the date the permit shall take effect, which application shall be recommended by at least two members of the Building Committee and the Chief of Police before the same shall be issued by the Clerk and upon the payment of $1.00 therefor. Said application shall state the place where said fireworks are to be discharged, the date of the same, the object of the display and the kind and character of the display. (0.683 s. 14--1937) is hereby repealed.

Section 2. DEFINITIONS. The following terms when used herein shall have the following meanings:

"Fireworks" includes any of the following: Blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, fire balloons (balloons of a type which have burning material of any kind attached thereto
or which require fire underneath to propel them), firecrackers, torpedoes, skyrockets, rockets, Roman candles, daygo bombs, or other fireworks of like construction and any fireworks containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, but does not include toy pistols, toy canes, toy guns, or other similar devices in which paper caps containing not more than twenty-five hundredths grain of explosive compound per cap are used. Nothing herein shall be deemed to prohibit the use of any explosive or flammable compound, blasting caps and similar items used for industrial purposes.

"Dangerous Fireworks" includes any of the following:

(1) Pyrotechnics or fireworks containing phosphorous, sulphocyanide, mercury, magnesium potassium picrate, gallic acid, chlorate of potash and sulfur or chlorate of potash and sugar;

(2) Firecrackers, salutes and other explosive articles of similar nature;

(3) Blank cartridges;

(4) Skyrockets, rockets, including all similar devices employing any combustible or explosive material and which rise in the air during discharge;

(5) Roman candles, including all devices which discharge balls of fire into the air;

(6) Chasers, including all devices which dart or travel about the surface of the ground during discharge;

(7) Snakes, boa constrictors and other snake nests, containing bichloride of mercury;
(8) All articles for pyrotechnic display, which contain gun powder;

(9) Articles commonly known as son-of-a-gun, devil-on-the-rock, crackit sticks and automatic torpedoes which contain arsenic;

(10) Explosives known as devil-on-the-walk, or any other article of similar character which explodes through means of friction, and all other similar fireworks, unless otherwise designated;

(11) Toy torpedoes of all kinds;

(12) All pyrotechnic devices having a side fuse;

(13) Fire balloons or balloons of any type which have burning material of any kind attached thereto; and

(14) Such other fireworks as may be designated as dangerous by the State Fire Marshal.

"Safe and Sane Fireworks" includes any fireworks not designated as "Dangerous Fireworks" except that in all cases only end fuses may be used and the total pyrotechnic content of any one piece shall not exceed one hundred grams.

Section 3. It shall be unlawful to use, discharge or make any public display of any dangerous fireworks, or to store, offer for sale, expose for sale or sell at retail or wholesale either dangerous fireworks or safe and sane fireworks without having first secured a permit so to do which is hereby designated a "Fireworks Permit".

Section 4. Application for a permit to engage in any of the activities mentioned in Section 3 shall be made to the Fire Chief on a form prepared by him and at least fifteen (15) days prior to the requested effective date of the permit.
Said application must be accompanied by a valid license issued by the State Fire Marshal pursuant to Chapter 70.77 RCW to engage in the particular activity for which the permit is sought, and by a fee of Ten ($10.00) Dollars hereby established as the Fireworks Permit Fee. A separate application must be made, and the $10.00 fee paid for each location at which the applicant proposes to store, sell or use Fireworks. Said application must also be accompanied by a public liability and property damage insurance policy from an insurance company licensed to do business in the State of Washington in the sum of at least Three Hundred Thousand ($300,000.00) Dollars for bodily injury or death suffered by one or more persons in any one accident or occurrence and at least One Hundred Thousand ($100,000.00) Dollars for property damage for each permit location and by a products liability insurance policy in the amount of Three Hundred Thousand ($300,000.00) Dollars. The applicant must also file with the Fire Chief a certificate issued by such insurance company that said insurance policy or policies protect and indemnify the City of Kent as an additional insured against public liability and property damage.

Section 5. An application for a permit to store or sell Safe and Sane Fireworks shall state the location of the stand or building in which the permittee proposes to store and/or sell such Safe and Sane Fireworks.

Upon receipt of such application to store or sell Safe and Sane Fireworks, the Fire Chief shall make an investigation to ascertain whether the following conditions have been complied with:

1. The stand or building in which the fireworks will be stored or sold shall be located no less than 300 feet from
any other fireworks stand or, alternatively, be separated from any other such stand by a major arterial thoroughfare no less than 100 feet in width, and be located no less than 50 feet from any other building and no less than 100 feet from any gasoline or flammable liquid dispensing device or installation.

2. The area around the proposed fireworks stand shall be completely free of any accumulations of dry grass, brush, debris or other hazardous accumulation of any nature for a distance of not less than 25 feet on all sides.

3. Such fireworks stand shall be accessible to an improved public street or thoroughfare and have an adequate source of water available to the Fire Department within a distance of not to exceed 500 feet from such stand.

4. The proposed stand must be of sound construction, not over one story in height nor more than 500 square feet in area, used for no other purpose and have at least two exits located remotely from each other.

5. If temporary in nature the stand must have been constructed under permit from the City Engineer's office.

6. Such stand must have been constructed so that it can be thoroughly locked when not in use for the purpose intended and contain a suitable storage magazine for storage of fireworks during hours when the stand will be unattended, which magazine must be solidly constructed of two-inch thick wood material throughout, including sides, bottom and lid, and must be of a size adequate to hold the merchandise to be stored when the stand is not in use.

7. Electrical wiring shall be limited to that necessary to provide adequate lighting when such stand is used for its
intended purpose, which wiring must have been installed in an approved manner with substantial material and fittings as necessary for heavy duty temporary service.

The Fire Chief shall make such other investigation as he deems necessary in connection with the safety of the proposed operation. After completing his investigation, the Fire Chief shall forward the application and the results of his investigation to the City Council, along with his recommendation as to whether the permit applied for should be granted or denied. The City Council shall consider such application and recommendations and in its discretion shall either grant or deny the permit applied for. Such permit, if issued, shall authorize only the storage and selling of Safe and Sane Fireworks, for the period stated on its face not exceeding ten (10) days within the following inclusive dates: 12:00 noon on the 28th day of June and 12:00 noon on the 6th day of July of any year.

No fireworks shall be stored, sold or offered for sale at retail outlet stores unless such fireworks have been classified and are labeled as "Safe and Sane Fireworks" in accordance with the provisions of the State Fireworks Law and the State Fire Marshal's rules and regulations promulgated thereunder. Such permit shall not authorize the Permittee to store and/or sell fireworks anywhere except at the location for which issued and said permit shall not be transferrable.

Section 6. All permittees selling or storing Safe and Sane Fireworks shall comply with the following rules and with such other rules consistent with this Ordinance as are promulgated by the Fire Chief for safety purposes:

1. No building or structure in which fireworks shall
be stored or from which they shall be sold shall contain any heating device.

2. Such structure must be equipped at all times with at least two fire extinguishers of two and a half gallon water type or equivalent.

3. Whenever the fireworks stand is unattended all fireworks must be placed in the required magazine and the same securely locked.

4. "No Smoking" signs must be posted prominently on each fireworks stand.

5. Automobiles shall not be permitted to park, nor shall any fireworks be used, within twenty-five feet of any fireworks stand.

6. At least one adult must be in attendance at all times when the stand is used for the purpose intended.

The Fire Chief may revoke any fireworks permit for any violation or failure to comply with any provisions of this or other applicable Ordinance or with any provision of the State Fireworks Law.

Section 7. An application for a permit to sell, use, discharge or make a public display of dangerous fireworks shall be made to the Fire Chief on a form prepared by him, giving all the information he may require concerning the safety of the proposed use or public display and it must appear therefrom that the requested sale, use or public display of dangerous fireworks will be in compliance with Chapter 228, Laws of Washington 1963, known as the "State Fireworks Law", and the State Fire Marshal's rules and regulations promulgated thereunder. After making such investigation, the Fire Chief shall forward the application to the City Council, along with his
recommendation as to whether the permit applied for should be granted or denied. The City Council shall consider such application and recommendation and in its discretion shall either grant or deny the permit applied for. Such permit may be revoked by the Fire Chief for any violation of or failure to comply with the provisions of this Ordinance or the provisions of the State Fireworks Law.

Section 8. Any fireworks that remained unfired when any fireworks permit expires shall, within twenty-four (24) hours thereafter be disposed of in a safe way for the particular type of fireworks.

Section 9. The Fire Chief shall seize, take, remove or cause to be removed at the expense of the owner, all stocks of fireworks offered for sale or exposed for sale, stored or held either in violation of this chapter or the State Fireworks Law or beyond the time established by the permit which may have been issued therefor.

Section 10. PENALTY - VIOLATIONS. Any person found guilty of committing any of the foregoing acts or omissions shall be fined the sum of not more than Three Hundred ($300.00) Dollars, or subjected to imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment.

Attest:

CHARLES BRIDGES, City Clerk

Approved as to form:

JOHN B. BEREITER, City Attorney

APPROVED THIS 1st day of June, 1964.
PASSED the 2nd day of June, 1964.
PUBLISHED the 3rd day of June, 1964.