ORDINANCE NO. 1943

AN ORDINANCE of the City of Kent, Washington, amending Section 5 and 7 and adding a new Section to 1242 relating to fireworks and repealing Ordinance 760, 856, 876, 880, 1470 and 1592.

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 5 of Ordinance 1242 of the City of Kent which reads as follows:

"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. All stands shall be erected under permit from the City Building Department.

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 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 authorize the Permittee to store and/or sell fireworks anywhere except at the location for which issued and said permit shall not be transferrable."

is hereby amended to read as follows:

"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 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 exists located remotely from each other.

5. All stands shall be erected under permit from the City Building Department.

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 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 in his 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 2. Section 7 of Ordinance 1242 of the City of Kent which reads as follows:

"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 on 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 70.77 of the Revised Code of Washington, 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."

is hereby amended to read as follows:

"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 70.77 of the Revised Code of Washington, known as the "State Fireworks Law", and the State Fire Marshal's rules and regulations promulgated thereunder. After making such investigation, the Fire Chief in his 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 3. The following shall be added as section 11 to Ordinance 1142:

"Section 11. EXCEPTION FOR MODEL AND EXPERIMENTAL ROCKETS.
Notwithstanding anything to the contrary in this Ordinance, the Fire Chief may adopt such reasonable rules and regulations for the launching of model or experimental rockets as he deems advisable, including the waiver or reduction of any permit fee, liability insurance and/or surety bond requirements of this Ordinance; PROVIDED, HOWEVER, the following conditions must be met as a condition precedent to this exception:

1) The public shall not be invited to view the launching; and

2) The permittee must comply with the requirements of RCW 70.77 and the rules and regulations authorized and issued thereunder by the State Fire Marshall."
Section 4. Ordinances 760, 856, 876, 880, 1470 and 1592 of the City of Kent are hereby repealed in their entirety.

Section 5. This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication, as provided by law.

 ISABEL HOGAN, MAYOR

ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

DONALD E. MIRK, CITY ATTORNEY

PASSED the 30 day of October, 1975.
APPROVED the 31 day of October, 1975.
PUBLISHED the 30 day of October, 1975.

I hereby certify that this is a true copy of Ordinance No. 1943, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

 MARIE JENSEN, CITY CLERK (SEAL)