Ordinance No. 3491
(Amending or Repealing Ordinances)

CFN=122 – Police/Fire Departments
Passed – 11/16/1999
Fireworks Fees (amends Chapter 13.05)

Amends Ords. 3058, 3168, 3229, 3296

Readopted, re-enacted, ratified and confirming rates & fees by Ord. 3534
Amended by Ords. 3609;3610 (Sec. 13.05.010&.020)
Amended by Ord. 3755
Amended by Ord. 3990 (Sec. 13.05.030)
AN ORDINANCE of the City Council of the City of Kent, Washington, amending Chapter 13.05 of the Kent City Code relating to fees for fireworks permits and making other related amendments.

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

SECTION 1. Chapter 13.05 of the Kent City Code is hereby amended as follows:

Sec. 13.05.080. Sale and discharge of fireworks.
A. Except as may be provided in RCW 70.77.311, no common fireworks shall be sold within the municipal limits of the city except from 12:00 noon on the twenty-eighth day of June to 11:00 p.m. on the fourth day of July between the hours of 9:00 a.m. and 11:00 p.m. No common fireworks may be discharged at any time except between the hours of 9:00 a.m. and 11:00 p.m. on the fourth day of July.
B. The sale or discharge of common fireworks shall not be permitted on December 31 of any given year and on January 1 of the subsequent year. The only legal period for the sale and discharge of common fireworks are the dates and times permitted in subsection (A).

Sec. 13.05.080. Local fireworks permits. Application for all local fireworks permits required by the state fireworks law, Chapter 70.77 RCW, shall be made to the fire marshal. The fee for such permit shall be established by city council.

Fireworks Fees
resolution forty-two dollars ($42), which amount covers the city's administrative costs for permit processing, issuance, and inspection. Pursuant to RCW 70.77.555, this permit fee and the costs for all needed permits and local licenses from application to and through processing, issuance and inspection shall not exceed one hundred dollars ($100) for any one (1) year.

Sec. 13.05.045030. Public display of fireworks. The fire marshal is authorized, pursuant to RCW 70.77.280, to issue a permit for a public display of fireworks. After review and investigation of an application for a permit, the fire marshal may grant, deny or grant with reasonable conditions a permit for a public display of fireworks; provided, however, that any such permit shall only be issued for the discharge of fireworks (1) on the fourth of July for fourth of July ceremonies; or (2) for high school homecoming games. The issuance of a permit for a public display of fireworks for a time or purpose different than stated herein is not permitted unless approved by the city council following consideration of the review, investigation and recommendation of the fire marshal. For purposes of this section, "school" means a state certified public or private high school.

Sec. 13.05.040. Reckless discharge or use of fireworks. It is unlawful for any person to discharge or use fireworks in a reckless manner which creates a substantial risk of death or serious physical injury to another person or damage to the property of another.

Sec. 13.05.020050. Penalty. Any person violating the provisions of KCC 13.05.010, A person failing to obtain a local fireworks permit as required by KCC 13.05.040020, and 13.05.045030 herein shall be guilty of a misdemeanor, and shall be punished by imprisonment not to exceed ninety (90) days and a fine not to exceed one thousand dollars ($1,000). Any person violating the provisions of KCC 13.05.040 herein shall be guilty of a gross misdemeanor and shall be punished by imprisonment not to exceed one (1) year and a fine not to exceed five thousand dollars ($5,000). A person is guilty of a separate offense for each day during which he or she commits,
continues or permits a violation of the provisions of this chapter, KCC 13.05.010 or 13.05.015.

SECTION 2. Severability. If any one or more sections, subsections, or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance and the same shall remain in full force and effect.

SECTION 3. Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication as provided by law.

ATTEST:

BRENDALACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER LUBOVICH, CITY ATTORNEY

PASSED: 16 day of November, 1999.

APPROVED: 17 day of November, 1999.

PUBLISHED: 19 day of November, 1999.

I hereby certify that this is a true copy of Ordinance No. 3491 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.