Ordinance No. 3609
(Amending or Repealing Ordinances)

CFN=122 – Police/Fire Departments
Passed – 7/16/2002
Fireworks – 13.05 December 27-December 31, 2002
(amends Chapter 13.05)

Amending Ords. 3168; 3229; 3296; 3491; 3534

Amended by Ord. 3610
Amended by Ord. 3755
Amended by Ord. 3990 (Sec. 13.05.030)
ORDINANCE NO. 3609

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Chapter 13 05 of the Kent City Code, entitled "Fireworks," and prohibiting the sale, purchase, possession, or use of consumer fireworks from December 27, 2002 through December 31, 2002

WHEREAS, the Legislature recently enacted new legislation, SSSB 6080, effective June 13, 2002, regarding the sale, purchase, possession, and discharge of consumer fireworks, and

WHEREAS, the new legislation redefines the statutory definition of "common" fireworks as "consumer" fireworks, and

WHEREAS, it is appropriate to make the City's local fireworks ordinance consistent with the new law by referencing "consumer" fireworks instead of "common" fireworks, and

WHEREAS, the new legislation also allows the sale, purchase, possession or use of consumer fireworks from December 27, 2002, through December 31, 2002, and

WHEREAS, the new legislation requires that if a city elects to limit or prohibit the sale, purchase, possession or use of consumer fireworks from December
27, 2002, through December 31, 2002, it must enact an ordinance within sixty (60) days of the effective date of the legislation, and

WHEREAS, the City's existing local ordinance currently permits the sale, purchase or possession of consumer fireworks only between 12:00 p.m. to 11:00 p.m. on June 28th and from 9:00 a.m. to 11:00 p.m. on each day from June 29th through July 4th of each year, and

WHEREAS, the City's existing local ordinance currently allows the use or discharge of consumer fireworks from 9:00 a.m. to 11:00 p.m. on July 4 only, and

WHEREAS, the City intends to declare it illegal to sell, purchase, possess or use consumer fireworks from December 27 to December 31 of each year, or at any time other than that described above, NOW THEREFORE,

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

SECTION 1. Amendment. Chapter 13.05 of the Kent City Code, entitled "Fireworks," is amended as follows

CHAPTER 13.05. FIREWORKS

Sec. 13.05.010. Sale and discharge of fireworks.
A. Except as may be provided in RCW 70.77.311, no common-consumer 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-consumer 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. It shall not be legal to sell, purchase, possess or use consumer fireworks on December 27, 2002, through December 31, 2002. The only legal period for the sale and discharge of common fireworks are the dates and times permitted in subsection (A) of this section.

Sec. 13.05.020. 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 resolution, 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. 13.05.030. 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. 13.05.050. Penalty. Any person violating the provisions of KCC 13 05 010, 13 05 020, and 13 05 030 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 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.

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 as provided by law.

ATTEST

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM

TOM BRUBAKER, CITY ATTORNEY

December 27 – December 31, 2002

Fireworks – 13.05
I hereby certify that this is a true copy of Ordinance No 3609 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER (SEAL)
BRENDA JACOBER, CITY CLERK