Ordinance No. 3610
(Amending or Repealing Ordinances)

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

Amending Ords. 3168;3229;3296;3491;3534;3609 (Sec. 13.05.010)
Amending Ords. 3058;3229;3296;3491;3534;3609 (Sec. 13.05.010 & Sec. 13.05.020)
Amended by Ord. 3755 (Sec. 13.05.030 & adding new Sec. 13.05.060)
Amended by Ord. 3990 (Sec. 13.05.030)
ORDINANCE NO. 3610

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, use or discharge of consumer fireworks each year from December 27 through 1:00 a.m., January 1, of the subsequent year.

WHEREAS, effective June 13, 2002, the Legislature enacted new legislation, SSSB 6080, that allows the sale, purchase or possession of consumer fireworks from 12:00 noon on December 27 of any year through December 31 of any year and also allows the use and discharge of consumer fireworks from 6:00 p.m. on December 31 of any year until 1:00 a.m. on January 1 of the subsequent year, 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 permanently prohibit the sale, purchase, possession, use or discharge of consumer fireworks at any time other than the
June 28 to July 4 period described above and specifically intends to clarify that it is
prohibiting the sale, purchase or possession of consumer fireworks from 12:00 noon on
December 27 through December 31 of each year and prohibiting the use or discharge of
consumer fireworks each year from 6:00 p.m. on December 31 until 1:00 a.m. on
January 1 of the subsequent year. 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 Sale, Purchase or Possession Except as may be provided in RCW 70.77.311, no 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 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. It is legal to sell or purchase consumer fireworks within this city only during the following times and dates from 12:00 noon to 11:00 p.m. on June 28, and, from 9:00 a.m. to 11:00 p.m. on each day from June 29 through July 4. It is legal to possess consumer fireworks within this city from 12:00 noon on June 28 through 11:00 p.m. on July 4. It shall not be legal to sell, purchase or possess consumer fireworks at any other time, specifically including, without limitation, from December 27 through December 31.
B Use and Discharge It shall not be legal to sell, purchase, possess, use or discharge consumer fireworks from 6:00 p.m. on December 31, 2002, through December 31, 2002. It is legal to use or discharge consumer fireworks within this city only between the hours of 9:00 a.m. and 11:00 p.m. on July 4th. It shall not be legal to use or discharge consumer fireworks at any other time, specifically including, without
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, except that the fees for display permits will not exceed five thousand ($5,000) for any one permit.

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 Pursuant to RCW 70 77 250(4), this ordinance is more restrictive than state law and must have an effective date no sooner than one year after its adoption Accordingly, this ordinance shall take effect and be in force one (1) year and one (1) day from and after its passage as provided by law

ATTEST

BREZDA JACOBER, CITY CLERK

APPROVED AS TO FORM

TOM BRUBAKER, CITY ATTORNEY
PASSED  16  day of  July  , 2002
APPROVED 16  day of  July  , 2002
PUBLISHED  20  day of  July  , 2002

I hereby certify that this is a true copy of Ordinance No. 3610 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 JACOVER (SEAL)
BRENDA JACOVER, CITY CLERK