Ordinance No. 3755

(Amending or Repealing Ordinances)

CFN=122 – Police/Fire Departments
Passed – 6/7/2005
Fireworks – Public Displays and High Fire Danger
(Amends Ch. 1305)

Amends Ords. 3229;3168;3296;3491;3534;3609;3610

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

AN ORDINANCE of the city council of the city of Kent, Washington, amending Chapter 13.05 of the Kent City Code regarding fireworks to add additional events under which a permit for a public display of fireworks may be issued and adding a new section providing the fire marshal with the authority, commencing one year from the date of passage, to ban the sale, use, and discharge of fireworks within Kent city limits in the event the Washington State Department of Natural Resources declares a high fire danger exists.

RECITALS

A. Currently, KCC 13.05.030 allows individuals to apply for a permit in order to discharge fireworks as part of a public display for July 4th ceremonies and high school homecoming ceremonies. Kent's fire marshal, however, often receives permit requests for fireworks to be displayed at certain high school events and wedding ceremonies. Accordingly, the fire marshal has proposed amending KCC 13.05.030 to allow permits to be granted for public displays of fireworks for all celebrations officially sanctioned by public or private high schools and in the observation of various ceremonial and celebratory events.

B. The city council also recognizes the risk associated with discharging fireworks at a time when the fire danger is at its highest level as determined by the Washington State Department of Natural Resources. Accordingly, the fire marshal...
should be given the authority to ban the sale, use, and discharge of fireworks within city limits in the event a high fire risk exists.

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

ORDINANCE

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. 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 28th; and from 9:00 a.m. to 11:00 p.m. on each day from June 29th through July 4th. It is legal to possess consumer fireworks within this city from 12:00 noon on June 28th through 11:00 p.m. on July 4th. It shall not be legal to sell, purchase or possess consumer fireworks at any other time, specifically including, without limitation, from December 27th through December 31st.

B. Use and discharge. 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 limitation, from 6:00 p.m. on December 31st of any year until 1:00 a.m. of the subsequent year.

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 dollars ($5,000) for any one permit.

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 between the hours of 9:00 a.m. and 11:00 p.m:

(1) on the fourth of July for Fourth of July ceremonies; or
(2) for high school events of a state certified public or private high school; provided, that such events are officially sanctioned by the governing body of such high schoolhomecoming games; or
(3) for wedding ceremonies.

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.

Sec. 13.05.060. Ban authority due to fire danger.

A. The city of Kent recognizes the unique risk that exists when the discharge of fireworks is combined with a high fire danger. Under such conditions, the city has determined that it is in the interests of the public health, safety, and welfare to establish an emergency procedure for banning fireworks when the risk of fire is high.

B. The fire marshal, subject to the city council’s prior approval, may ban the sale, use, and/or discharge of fireworks within the city limits of Kent in the event the risk of fire in King County or the city of Kent has been determined by the Washington State Department of Natural Resources (“DNR”), or a qualified DNR official, to be "very high/extreme" or otherwise at the highest fire danger level.

C. At each location at which fireworks are sold, the vendor shall post a notice of at least eight inches by ten inches in size that shall contain the language set forth in subsection B of this section. Such notice shall be posted in such a manner that it is clearly visible to those who purchase fireworks.

SECTION 2. – Severability. If any one or more section, 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.** Although this ordinance will take effect thirty (30) days from and after its passage, Kent City Code section 13.05.060 shall not become enforceable until one (1) year from and after the date of passage of this ordinance as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

MARY SIMMONS, DEPUTY CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY
I hereby certify that this is a true copy of Ordinance No. 3755 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 JACOBE, CITY CLERK

Mary Simmons, Deputy City Clerk

Fireworks – Public Displays and High Fire Danger