Ordinance No. 3800

(Amending or Repealing Ordinances)

CFN=0122 – Police/Fire Departments
Passed – 5/16/06
Fireworks – Prohibit Aerial Devices

WAS NOT ADOPTED

The date ["Beginning July 1, 1998"] has led to confusion. This date will be deleted from cover sheets of ordinance/resolution revision pages. This cover sheet will be deleted on electronic pages only, no other deletions or changes have been made to the document – 6/21/2012.
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 a definition of "common fireworks" to the chapter in such a manner that would have the effect of prohibiting the sale, possession or discharge of certain aerial type fireworks, and which clarifies that fireworks that are not "consumer fireworks" may not be sold, possessed, or discharged within the city of Kent.

RECEITALS

A. On the July Fourth holiday, and during the period leading up to and following the holiday, the city's public safety system is stretched to its limits due to the high volume of calls for assistance due to the discharge of fireworks. A majority of the calls relate to fireworks that are launched into the air, which therefore create a fire hazard to nearby property. A number of the calls also relate to the noise that aerial fireworks cause, as well as the debris that lands on nearby property.

B. Certain aerial fireworks cause a substantial risk of fire due to ignited debris falling on the rooftops of structures and on combustible vegetation. In addition, hot or ignited debris falling from aerial fireworks can present a risk to the health of citizens.
C. In an effort to limit the hazards and disturbance caused by aerial type fireworks, the city council for Kent has determined that it is in the interest of the public health, safety, and welfare to ban all aerial fireworks within the city limits.

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. 13.05.005. Definition—Consumer fireworks. As used in this chapter, the term "consumer firework," in its singular or plural form, shall have the same meaning as set forth in section 212-17-035 of the Washington Administrative Code, provided that the term shall not mean an aerial device, aerial shell, mortar, or any combination item that contains any effect of an aerial device, aerial shell, or mortar.

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 only 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.

C. **Other fireworks prohibited.** Except as provided by a permit properly applied for and issued pursuant to this chapter and Chapter 70.77 RCW, it shall, at all times, be unlawful to sell, purchase, possess, use, or discharge fireworks other than consumer fireworks.

**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 ordinance or 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;
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 school; 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.

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following consideration of the review, investigation and recommendation of the fire marshal.

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

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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.** This ordinance shall take effect one year from and after its date of adoption and passage.

Suzette Cooke, Mayor

ATTEST:

Brenda Jacober, City Clerk

APPROVED AS TO FORM:

Tom Brubaker, City Attorney

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ADOPTED and PASSED: May ____, 2006.
APPROVED: May ____, 2006.
PUBLISHED: May ____, 2006.

I hereby certify that this is a true copy of Ordinance No. ______
adopted and passed by the city council of the city of Kent, Washington, and approved
by the mayor of the city of Kent as hereon indicated.

________________________(SEAL)
BRENDA JACOBER, CITY CLERK

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