ORDINANCE NO. 3990

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Chapter 13.05 of the Kent City Code, entitled, "Public Display of Fireworks," adding cultural events to the list of public display of fireworks and adding a new section 13.05.070, entitled, "Permit for the use of firecrackers, salutes, and chasers," in order to be consistent with state law.

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. Kent's fire marshal often receives permit requests for fireworks to be displayed at certain cultural events. The fire marshal has proposed amending KCC 13.05.030 to add cultural events to the list of events the fire marshal may grant, deny, or grant with reasonable conditions a permit for public display of fireworks.

B. There is no provision currently in Chapter 13.05 allowing the city to issue permits to organizations for the use of firecrackers, salutes, and chasers for cultural events.

C. The city's fire marshal desires to amend the current provisions of the KCC adding cultural events and Kent's annual tree
lighting ceremony to the list of events that may apply for permits for the public display of fireworks, and also desires to adopt a new section 13.05.070 permitting the use of firecrackers, salutes, and chasers for cultural events.

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

ORDINANCE

SECTION 1. - Amendment. Section 13.05 of the Kent City Code is amended as follows:

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.

Sec. 13.05.030. Public display of fireworks.

A. 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;

4. For cultural events; or

5. For Kent's annual tree lighting ceremony.

B. 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.

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 that 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 (8) inches by ten (10) 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.

Sec. 13.05.070. Permit for the use of firecrackers, salutes, and chasers. The fire marshal is authorized, pursuant to RCW 70.77.255, to issue a permit for the use of firecrackers, salutes, and chasers, as defined in Section 212-17-040 Washington Administrative Code; provided that the fireworks were purchased from a licensed manufacturer, importer or wholesaler; are for use on prescribed dates and locations; and are for religious-cultural or specific purposes. After review of an application for a permit, the fire marshal may grant, deny, or grant with reasonable conditions a permit for the use of firecrackers, salutes and chasers; 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. No fee shall be assessed for the permit.

SECTION 23. - Savings. The existing chapter 13.05 of the Kent City Code, which is amended by this ordinance, shall remain in full force and effect until the effective date of this ordinance.

SECTION 34. - 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 45. - Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the
correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

**SECTION 56. - Effective Date.** This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

SUZETTE COOKE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: 15 day of February, 2011.

APPROVED: 15 day of February, 2011.

PUBLISHED: 18 day of February, 2011.

I hereby certify that this is a true copy of Ordinance No. 3990 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, CITY CLERK

P:\Civil\Ordinance\13.05.035 Fireworks - Art Cultural Events.docx

Public Display of Fireworks
Amend Ch. 13.05