

**CITY OF SAMMAMISH  
WASHINGTON**

**ORDINANCE NO. O2000-65**

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**AN ORDINANCE OF THE CITY OF SAMMAMISH,  
WASHINGTON, LIMITING THE SALE AND USE OF  
FIREWORKS, AND ALLOWING FOR PUBLIC DISPLAYS**

WHEREAS, the City Council for the City of Sammamish desires to ban the sale and use of fireworks in the City, except during authorized public displays, in the interest of protecting the health, safety and welfare of its citizens;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Definitions. The definitions of RCW Chapter 70.77 as now stated or hereinafter amended shall govern the construction of this Ordinance, when applicable, and are hereby adopted by this reference. A copy of the same shall be kept on file in the office of the City Clerk for public use and inspection.

Section 2. Sale, Use and Discharge of Fireworks Unlawful. It is unlawful for any person to sell, possess, use or discharge any fireworks within the City; except for the following types of fireworks as defined under WAC 212-17-035: 212-17-035 (1), (a), (b), (c) and (g) only, and that this prohibition shall not apply to duly authorized public displays or certain religious purposes as set forth in Section 4, below.

Section 3. Permit Required for Public Display of Fireworks. It is unlawful for any person to hold, conduct or engage in any public display of fireworks within the City without first having obtained and being the holder of a valid permit under the provisions of this Ordinance.

Section 4. Sale and Discharge of Fireworks Prohibited. No person shall offer for retail or wholesale sale, fireworks (other than those exempted under Section 2, as defined by WAC as 212-17-035 (1)(a), (b), (c), and (g) only.) Except as authorized by a State license and City permit granted pursuant to RCW 70.77.260 (2) (application for permit), RCW 70.77.280 (public display permit) or RCW 70.77.311(2) (use by individual or group for religious or other specified purpose on approved date and at approved location), no person shall ignite, explode or discharge fireworks within the City except those defined under WAC as 212-17-035 (1)(a), (b), (c), and (g) only.

Section 5. Purchase, Possession, Use and Discharge of Permitted Fireworks. As permitted in sections 2 and 4 of this ordinance, the public may purchase permitted fireworks at authorized stands between noon, June 28, 2001, and 5:00 pm on July 4<sup>th</sup> of each year. Purchase or discharge is prohibited between the hours of 11:00 pm and 9:00 am, and discharge shall only be allowed on July 4<sup>th</sup> of each year.

Section 6. Ongoing Study of Effects of this Ordinance by Fire Chief/Marshall. The authorized, contracted or employed Fire Chief/Marshall of the City of Sammamish, in cooperation and conjunction with the Chief of Police of the City of Sammamish shall conduct an ongoing study of effects of this ordinance to improve the safety and well being of Sammamish citizens. This study shall include but not be limited to injury rate, severity and type in comparison to pre-ordinance conditions, and recommendations for further safety considerations.

Section 7. Permit Fee. The annual fee for a "public display" permit for the public display of fireworks shall be established by and be payable to the City of Sammamish.

Section 8. Issuance - Nontransferable - Voiding. Each public display permit issued pursuant to this Ordinance shall be valid only for the specific authorized public display event, shall be used only by the designated permittee, and shall be nontransferable. Any transfer or unauthorized use of a permit is a violation of this Ordinance and shall void the permit in addition to all other sanctions provided in this Ordinance.

Section 9. Application for Public Display Permit. Applications for a permit to hold, conduct or operate a public display of fireworks shall be made to the City of Sammamish at least thirty days prior to the scheduled event. Applicants shall meet all qualifications and requirements of state law regarding public display of fireworks and all fire and safety requirements in Section 8 of this Ordinance.

Section 10. Standards for Public Fireworks Displays. All public fireworks displays shall conform to the following minimum standards and conditions:

1. All public fireworks displays must be planned, organized and discharged by a State-licensed Pyrotechnician;
2. A permit must be obtained from the City of Sammamish prior to any display of public fireworks. The permit shall include the name of the applicant and his address; the name of the Pyrotechnician and his address; the exact location, date and time of the proposed display; the number, type and class of fireworks to be displayed; the manner in which the fireworks are being stored prior to the public fireworks display; and shall include the name and address of the insurance company providing the bond required pursuant to RCW 70.77.285 (public display permit - bond or insurance for liability) or (RCW 70.77.295 public display permit - amount of bond or insurance);
3. A drawing shall be submitted to the Fire Chief showing a plan view of the fireworks discharge site and the surrounding area with a radius that reflects 70 feet for every inch of the largest mortar, and not less than a 500 foot radius. This is required for land and water displays. (Ref. UFC 78, table 7802.3-A and NFPA 1123, table 3-1.3);
4. A fire pumper and a minimum of three trained firefighters shall be on site from thirty minutes prior to until thirty minutes after the discharge of any fireworks. All cost for fire personnel and apparatus will be paid to King County Fire Protection District \_\_, in an amount calculated in accordance with the Washington State Fire Chief's Fee Schedule, and shall be paid prior to the actual display; provided however, that all costs for required fire personnel and apparatus may be

waived in the discretion of the Fire Chief if permittee is a community or charitable organization sponsoring a public event;

5. All combustible debris and trash shall be removed from the area of discharge for a distance of three hundred feet in all directions;

6. All unfired or undischarged fireworks shall be disposed of in a safe manner;

7. A minimum of two 2A-rated pressurized water fire extinguishers and one fire blanket shall be required to be at the fireworks discharge site;

8. The permit may be immediately revoked at any time deemed necessary by the Fire Chief or his designee due to any noncompliance or weather conditions such as extremely low humidity or wind factor. The display may also be canceled by accidental ignition of any form of combustible or flammable material in the vicinity due to falling debris from the display; and

9. Areas of public access shall be determined by the Fire Chief or his designee and maintained in an approved manner.

Section 11. Inspection. After the discharge site has been completely setup, and prior to the display, the discharge site shall be inspected and approved by the Fire Chief or his designee.

Section 12. Applicability. The provisions of this Ordinance shall apply to the sale and use of all fireworks except "toy caps," and fireworks that are otherwise exempt pursuant to RCW 70.77.311 as now in effect or as may be subsequently amended.

Section 13. Ordinance Implements State Law. This Ordinance is intended to implement RCW Chapter 70.77, including the one year delay in implementation set forth in RCW 70.77.250(4), and shall be construed consistent with that statute and any and all rules or regulations issued pursuant thereto.

Section 14. Enforcement. The Fire Chief or his designee, or duly authorized police officers, are authorized to enforce all provisions of this Ordinance and, in addition to criminal sanctions or civil remedies, they may revoke any permit issued pursuant to this Ordinance upon any failure or refusal of the permittee to comply with the orders and directives of the Fire Chief or his designee, or duly authorized police officers, and/or to comply with any provisions of this Ordinance or other laws or regulations.

Section 15. Penalty for Violations. Any person violating or failing to comply with the provisions of this Ordinance is guilty of a misdemeanor, and, upon conviction thereof, shall be punished as provided therefore.

Section 16. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 17. Effective Date. This Ordinance shall be published in the official newspaper of

the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A SPECIAL MEETING THEREOF ON THE 28<sup>TH</sup> DAY OF JUNE, 2000.**

CITY OF SAMMAMISH

  
Mayor Jack Barry

ATTEST/AUTHENTICATED:

  
Melonie Anderson, City Clerk

Approved as to form:

  
Bruce L. Disend, City Attorney

Filed with the City Clerk: *June 22, 2000*  
Passed by the City Council: *June 28, 2000*  
Ordinance No. *02000-65*  
Date of Publication: *July 1, 2000*