

**CITY OF SAMMAMISH  
WASHINGTON  
ORDINANCE NO. O2005-176**

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**AN ORDINANCE OF THE CITY OF SAMMAMISH,  
WASHINGTON, AMENDING SAMMAMISH MUNICIPAL  
CODE CHAPTER 8.10, FIREWORKS, TO BAN THE SALE,  
PURCHASE, POSSESSION, OR USE OF CONSUMER  
FIREWORKS**

WHEREAS, the State of Washington regulates the sale, purchase, possession, or use of fireworks by means of RCW Chapter 70.77; and

WHEREAS, RCW 70.77.395 authorizes local governments to prohibit the sale, purchase, possession, or use of consumer fireworks; and

WHEREAS, RCW 70.77.250(4) requires that any such prohibition shall have an effective date at least one year after its adoption date; and

WHEREAS, the City Council finds that prohibiting the sale, purchase, possession, and use of consumer fireworks within the City of Sammamish will serve to protect the public health, safety, and welfare by reducing the risk of fire and injury,

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

Section 1. SMC Chapter 8.10 Amended. Sammamish Municipal Code Chapter 8.10, Fireworks, is hereby amended to read as follows:

Chapter 8.10  
FIREWORKS

Sections:

- 8.10.010 Definitions.
- 8.10.020 Sale of Fireworks Unlawful.
- 8.10.030 Permit Required for Public Display of Fireworks.
- 8.10.040 Discharge or Possession of Fireworks Prohibited.
- 8.10.050 Permit Fee.
- 8.10.060 Issuance – Nontransferable – Voiding.
- 8.10.070 Application for Public Display Permit.
- 8.10.080 Standards for Public Fireworks Displays.
- 8.10.090 Inspection.
- 8.10.100 Applicability.
- 8.10.110 Chapter Implements State Law.
- 8.10.120 Enforcement.
- 8.10.130 Penalty for Violations.

8.10.010 Definitions. The definitions of Chapter 70.77 RCW as now stated or hereinafter amended shall govern the construction of this chapter, 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.

8.10.020 Sale of Fireworks Unlawful. It is unlawful for any person to sell any fireworks within the City.

8.10.030 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 chapter.

8.10.040 Discharge or Possession of Fireworks Prohibited. 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 possess, ignite, explode, or discharge fireworks within the City.

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

8.10.060 Issuance – Nontransferable – Voiding. Each public display permit issued pursuant to this chapter 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 chapter and shall void the permit in addition to all other sanctions provided in this chapter.

8.10.070 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 30 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 SMC 8.10.080.

8.10.080 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 or her address; the name of the pyrotechnician and his or her 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 30 minutes prior to until 30 minutes after the discharge of any fireworks. All cost for fire personnel and apparatus shall be paid to Sammamish fire services, 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 at 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 300 feet in all directions by the Applicant;

6. All unfired or undischarged fireworks shall be disposed of in a safe manner by the state-licensed pyrotechnician;

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 or her 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:

9. Areas of public access shall be determined by the fire chief or his or her designee and maintained in an approved manner; and

10. The Applicant shall also be responsible for securing any and all required State, County, or City permits for use of locations or facilities.

8.10.090 Inspection. After the discharge site has been completely set up, and prior to the display, the discharge site shall be inspected and approved by the fire chief or his or her designee.

8.10.100 Applicability. The provisions of this chapter 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.

8.10.110 Chapter Implements State Law. This chapter is intended to implement Chapter 70.77 RCW, 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.

8.10.120 Enforcement. The fire chief or his or her designee, duly authorized police officers, or the City Code Enforcement Officer are authorized to enforce all provisions of this chapter and in addition to criminal sanctions or civil remedies, they may revoke any permit issued pursuant to this chapter upon any failure or refusal of the permittee to comply with the orders and directives of the fire chief or his or her designee or duly authorized police officers, and/or to comply with any provisions of this chapter or other laws or regulations.

8.10.130 Penalty for Violations.

1. Except as set forth below, any person violating or failing to comply with the provisions of this chapter is guilty of a misdemeanor, and, upon conviction thereof, shall be punished as provided therefor.

2. Except as allowed under SMC 8.10.040, the possession of fireworks by an individual, group, or organization shall be a civil infraction with a penalty of \$500.00 for each violation.

3. Except as allowed under SMC 8.10.040, the discharge of fireworks by an individual, group, or organization shall be a civil infraction with a penalty of \$1,000.00 for each violation.

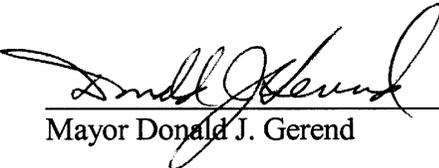
4. For purposes of this section, the term "individual" means a natural person and excludes any firm, partnership, joint venture, association, concern, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.

Section 2. 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.

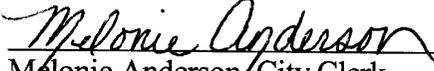
Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force one (1) year after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 3<sup>rd</sup> DAY OF MAY, 2005.**

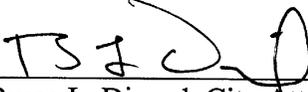
CITY OF SAMMAMISH

  
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Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:

  
Melonie Anderson, City Clerk

Approved as to form:

  
Bruce L. Disend, City Attorney

Filed with the City Clerk:	March 23, 2005
Public Hearing:	April 5, 2005
First Reading:	April 5, 2005
Passed by the City Council:	May 3, 2005
Date of Publication:	May 7, 2005
Effective Date:	May 7, 2006