

Chapter 8.36

FIREWORKS¹

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8.36.010 Purpose.

Except as otherwise provided herein, the purpose of this chapter is to implement and supplement Chapter 70.77 RCW and Chapter 212-17 WAC, hereafter referred to as the State Fireworks Law, as they now exist or may be hereafter amended. The provisions of this chapter shall be construed and applied in accordance with the definitions, requirements and prohibitions of the State Fireworks Law and all rules and regulations issued pursuant to the State Fireworks Law. [Ord. 1527 § 2 (Att. A), 2016.]

8.36.020 Local fire official.

The Leavenworth fire official is designated as the local fire chief for Chelan County fire district No. 3, Leavenworth, Washington, for the city of Leavenworth pursuant to the State Fireworks Law. [Ord. 1527 § 2 (Att. A), 2016.]

8.36.030 Fireworks unlawful – Permit required.

Unless permitted pursuant to this chapter, it shall be unlawful for any person, firm or corporation within the city of Leavenworth to manufacture, import, store, offer for sale, expose for sale, sell at wholesale or retail, use, explode, fire, or discharge any fireworks within the city limits of the city of Leavenworth. This prohibition is more restrictive than the prohibition imposed by state law and includes but is not limited to the Fourth of July holiday. [Ord. 1527 § 2 (Att. A), 2016.]

8.36.040 Consumer fireworks – When discharge permitted.

No person shall discharge or otherwise use any consumer fireworks within the city of Leavenworth, except between the hours of 6:00 p.m. on December 31st and 1:00 a.m. on January 1st of the subsequent year. [Ord. 1527 § 2 (Att. A), 2016.]

8.36.050 Permit application requirements for public permitted displays.

A. The applicant shall have a valid license issued by the state of Washington authorizing the holder to engage in the fireworks activities sought in the permit application.

B. Permit applications shall be submitted in such form and containing such detail as is reasonably required by the fire official. Such applications shall, at a minimum, include the applicable permit application fees, clean-up deposit, state license(s), site drawings depicting permanent and temporary structures and other material features on the site,

insurance certificate(s), storage sites and arrangements, and the name, address and telephone number of each applicant and any other responsible party.

C. In addition to the other requirements of the State Fireworks Law, the applicant shall procure and maintain a policy or policies of public general liability, bodily injury and property damage insurance in a company or companies approved by the fire chief in the minimum amount of \$1,000,000, single limit. The city of Leavenworth and Chelan County fire district No. 3 and any other fire protection district providing fire protection shall be named as additional insureds on such policy. Certificates of coverage shall be filed with the city of Leavenworth.

D. The applicant shall post a \$500.00 cash deposit with each permit application conditioned upon the prompt removal of all temporary structures and the cleaning of all debris from the site. If the applicant removes all temporary structures and cleans up all debris within two days after the end of the permitted fireworks activities, the applicant shall be entitled to the return of the deposit. If the display is not removed and debris is not cleaned prior to that time, the \$500.00 deposit shall be forfeited and placed in the city of Leavenworth general fund.

E. A fully complete application for a public display of fireworks shall be filed with the fire official no later than 14 calendar days prior to the intended display. [Ord. 1527 § 2 (Att. A), 2016.]

8.36.060 Permit fees.

The permit application fee in the amount of \$100.00 shall be paid to the city of Leavenworth at the time the permit application is filed, and is nonrefundable. [Ord. 1527 § 2 (Att. A), 2016.]

8.36.110 Approved storage facilities required.

Temporary fireworks storage locations and facilities shall be approved in conjunction with issuance of a permit authorizing the public display of fireworks. [Ord. 1527 § 2 (Att. A), 2016.]

8.36.120 Consumer fireworks – Where discharge prohibited.

The discharge of consumer fireworks is prohibited in the following locations:

A. In or upon any publicly owned property; provided, that the chief administrative officer of publicly owned property may issue written permits for discharge of consumer fireworks on such terms and conditions as shall be deemed necessary to protect the public, public property and private property;

B. Within 300 feet of any hotel, motel or other lodging facility, hospital, convalescent center, assisted-living center, public library, church, synagogue or other place of worship;

C. Within 500 feet of any automotive service station or other premises where flammable liquids or gases in excess of 500 gallons are stored; and

D. Within or from any structure, vehicle or vessel. [Ord. 1527 § 2 (Att. A), 2016.]

8.36.130 Public display of fireworks – Additional provisions.

In addition to the requirements of the State Fireworks Law, the following provisions shall apply to the public display of fireworks:

A. All minimum clearances, site dimensions, separation clearances and landing areas shall be subject to review by and approval of the fire official. In the sole discretion of the fire official, the minimum standards of the State Fireworks Law may be increased to protect the public and property.

B. The applicant shall provide fire protection for the display. The fire official shall determine the level of personnel and equipment necessary. Prior to the public display, the applicant shall pay the full cost of the required personnel and equipment to fire district No. 3.

C. The applicant shall provide crowd control for the display. The fire official shall determine the level of crowd control necessary, including the number and placement of crowd control monitors. If local law enforcement is providing crowd control, the applicant shall pay the full cost of the required personnel and equipment to the appropriate law enforcement agency prior to the display.

D. If, in the opinion of the fire official, the sheriff or the pyrotechnic operator, a lack of fire protection or crowd control poses a danger to the public or property, then the fire official, the sheriff or the pyrotechnic operator shall immediately suspend the display until the danger is corrected. [Ord. 1527 § 2 (Att. A), 2016.]

8.36.140 Permit coverage – Transfer of permit prohibited.

A separate permit shall be obtained for each activity requiring a permit and for each location at which fireworks activity is undertaken. A permit shall be used only by the designated permittee and shall not be assigned or otherwise transferred. Any transfer or purported transfer of a permit shall be deemed a violation of this chapter and shall void the permit. [Ord. 1527 § 2 (Att. A), 2016.]

8.36.150 Revocation of permit.

Any failure of or refusal by a permittee to comply with the requirement of a permit, to comply with the State Fireworks Law, to comply with this chapter, or to comply with any lawful requirement or order of the fire official concerning fireworks shall be grounds for revocation of a permit by the fire official. [Ord. 1527 § 2 (Att. A), 2016.]

8.36.160 Fireworks – Emergencies – Restrictions on use.

The fire official may prohibit the discharge of all fireworks during periods of extreme fire danger. [Ord. 1527 § 2 (Att. A), 2016.]

8.36.170 Special effects for entertainment productions.

This chapter does not prohibit the assembling, compounding, use, and display of special effects by any person engaged in the production of motion pictures, radio, television productions or live entertainment when such use and display is a necessary part of the production and such person possesses a valid permit issued by the fire official. [Ord. 1527 § 2 (Att. A), 2016.]

8.36.180 Excluded from chapter.

This chapter does not apply to the operation of railways, motor vehicles, vessels or other transportation means for signal purposes or illumination, the use of signals at athletic events, operations conducted by law enforcement and the military, and agricultural and wildlife fireworks. [Ord. 1527 § 2 (Att. A), 2016.]

8.36.190 Appeals.

Any person aggrieved by a decision of the fire official under this chapter may appeal the decision to the city of Leavenworth hearing examiner within 10 days after receipt of the fire official's decision. Any appeal of the hearing examiner's decision shall be to the Chelan County superior court within 10 days after receipt of the hearing examiner's decision. [Ord. 1527 § 2 (Att. A), 2016.]

8.36.200 Enforcement.

The fire official and the sheriff shall have the authority to enforce the provisions of this chapter. [Ord. 1527 § 2 (Att. A), 2016.]

8.36.210 Penalties.

Each violation of this chapter shall be punished as a civil infraction. The penalty for the first infraction shall be \$150.00 and the penalty for each subsequent infraction shall be \$250.00. [Ord. 1527 § 2 (Att. A), 2016.]

8.36.220 Effectiveness.

The ordinance codified in this chapter shall be effective one year after its date of passage by the city council and its summary publication. [Ord. 1527 § 2 (Att. A), 2016.]

¹ Prior ordinance history: Ords. 843 and 1203.