

ORDINANCE 1488

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO FIREWORKS SALE AND DISCHARGE REGULATIONS; AMENDING CHAPTER 8.20 OF THE GIG HARBOR MUNICIPAL CODE, FIREWORKS; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the state fireworks regulations are codified at Chapter 70.77 of the Revised Code of Washington (RCW); and

WHEREAS, RCW 70.77.395 provides that consumer fireworks may be sold and purchased from 12:00 noon to 11:00 p.m. on June 28, from 9:00 a.m. to 11:00 p.m. on June 29 through July 4, from 9:00 a.m. to 9:00 p.m. on July 5, and from 12:00 noon to 11:00 p.m. on December 27 through December 31; and

WHEREAS, RCW 70.77.395 provides that consumer fireworks may be discharged from 12:00 noon to 11:00 p.m. on June 28, from 9:00 a.m. through 11:00 p.m. on June 29 through July 3, from 9:00 a.m. through 12:00 midnight on July 4, from 9:00 a.m. through 11:00 p.m. on July 5, and from 6:00 p.m. on December 31 through 1:00 a.m. on January 1 of the subsequent year; and

WHEREAS, RCW 70.77.250(4) provides that the Chief of the Washington State Patrol, through the director of fire protection, shall adopt rules to ensure statewide minimum standards for the enforcement of the state fireworks laws, that counties and cities shall comply with these state rules, and that any ordinances adopted by a city that are more restrictive than state law shall have an effective date no sooner than one year after their adoption; and

WHEREAS, Chapter 8.20 of the Gig Harbor Municipal Code (GHMC) sets forth the regulations related to the allowable sale and discharge of fireworks in the city limits of Gig Harbor; and

WHEREAS, the sound of the indiscriminate discharge of consumer fireworks can unsettle many persons and can harm the health and welfare of others including military veterans, as well as service animals, and pets; and

WHEREAS, Gig Harbor is experiencing unprecedented, record-breaking heatwaves that are creating extreme fire-risk conditions and that similar conditions are likely to reoccur in the future; and

WHEREAS, the Gig Harbor City Council, recognizing that discharging consumer fireworks can harm the health and welfare of persons including military veterans, as well as service animals, and pets, deems it prudent and appropriate to prohibit the sale and discharge of consumer fireworks; and

WHEREAS, the Gig Harbor City Council, recognizing the significant threat to life and property posed by fire risk during periods of extreme weather, deems it prudent and appropriate to ban the sale and discharge of consumer fireworks within the city limits of Gig Harbor;

NOW THEREFORE, The City Council of the City of Gig Harbor, Washington, do ordain as follows:

Section 1. Chapter 8.20 of the Gig Harbor Municipal Code is amended as follows:

Chapter 8.20 FIREWORKS

Sections:

- 8.20.010 Intent.**
- 8.20.020 Applicability.**
- 8.20.030 Compliance with licensing provisions.**
- 8.20.040 Permit Application.**
- 8.20.050 Permit Use requirements.**
- 8.20.060 Permit Maximum number.**
- 8.20.070 Permit Terms and conditions.**
- 8.20.080 Permit Granting limitations.**
- 8.20.090 Temporary stands Standards and conditions.**
- 8.20.100 Temporary stands Safe and sane fireworks only.**
- 8.20.110 Time limit Sale of fireworks.**
- 8.20.120 Time limit Use of fireworks**
- 8.20.120 Time limit Use of fireworks (Effective April 26, 2022).**
- 8.20.120 040 Time limit – Use of fireworks.**
- 8.20.130 050 Unlawful acts.**
- 8.20.140 060 Enforcement.**
- 8.20.150 070 Violation – Penalty.**

8.20.010 Intent.

This chapter is intended to implement Chapter 228, Laws of 1961 of the state of Washington, and shall be construed in connection with said law and any and all rules or regulations issued pursuant thereto.

8.20.020 Applicability.

The provisions of this chapter shall apply to the sale of all safe and sane fireworks, as defined by Chapter 228, Laws of 1961 of the state of Washington, except as to the sales of "toy caps" and "sparklers."

8.20.030 Compliance with licensing provisions.

It is unlawful for any person, firm or corporation to engage in the retail sale of or to sell any fireworks within the city limits of Gig Harbor, without first obtaining a city business license and complying with the provisions of Chapter 5.01 GHMC.

8.20.040 Permit—Application.

Applications for temporary fireworks stand permits must be accompanied by the permit fee and pursuant to this chapter may be filed and will be accepted by the city only during the period between April 15th and June 1st of the year for which the permit is sought.

8.20.050 Permit—Use requirements.

A permit granted pursuant to this chapter shall entitle the permittee to maintain only one retail outlet. All permits issued pursuant hereto shall be used only by the designated permittee and shall be nontransferable. Any transfer or purported transfer of such a permit shall be deemed a violation of this chapter.

8.20.060 Permit—Maximum number.

The maximum number of permits issued by the city in any year shall not exceed one for every 500 people or fraction thereof residing in the corporate limits of Gig Harbor.

8.20.070 Permit—Terms and conditions.

A temporary fireworks stand permit for the sale of fireworks shall be issued only upon the following terms and conditions:

- A. The applicant shall have a valid and subsisting Washington State fireworks license issued by the Washington State Patrol authorizing the holder thereof to engage in the fireworks business.
- B. The applicant shall own or have the right to possess a temporary fireworks stand complying with the standards hereinafter set forth for temporary fireworks stands.
- C. The applicant shall procure and maintain a policy or policies of public liability and property damage insurance in a company or companies approved by the city of Gig Harbor in the following amounts: Not less than \$1,000,000 commercial general liability (each occurrence); \$50,000 damage to premises; \$1,000,000 personal and advertising injury; \$2,000,000 general aggregate; \$2,000,000 products—completed operations aggregate.
- D. The permittee's location or place of business shall be only in those areas or zones within the city wherein commercial activities are authorized under the applicable zoning laws of the city of Gig Harbor; provided, that the sale of safe and sane fireworks shall not be deemed an enlargement of an existing nonconforming use; and provided further, that no fireworks shall be sold in any residential area where a commercial enterprise does not exist.
- E. The applicant shall file with the city a cash deposit in an amount not less than \$100.00, conditioned upon the prompt removal of the temporary stand and the cleaning up of all debris from the site of the temporary stand. The deposit shall be returned to the applicant after he removes the temporary stand and cleans up all debris to the satisfaction of the building

official/fire marshal. If he fails to do so, the cash deposit and all property not removed shall be forfeited to the city. In no event shall the applicant be entitled to the return of the cash deposit if he has failed to remove the temporary stand and clean up all debris by the tenth day of July of each year.

8.20.080 Permit—Granting limitations.

In the event there are more applications for permits than there are permits available, permits shall be granted in the following manner:

- A. Any person, firm or corporation having been issued a permit and exercised its rights under that permit for the year prior to the making of the application shall be entitled to renew said permit.
- B. Any permits remaining shall be granted to those first applying therefor, who meet all the necessary qualifications and requirements.

8.20.090 Temporary stands—Standards and conditions.

The temporary stands of all permit holders shall conform to the following minimum standards and conditions:

- A. Temporary fireworks stands need not comply with all provisions of the International Building Code; provided, however, that all such stands shall be erected under the supervision of the building inspector or his duly authorized representative, who shall require all stands to be constructed in a safe manner, ensuring the safety of attendants and patrons. In the event any temporary stand is wired for electricity, then the wiring shall conform to the Electrical Code of the state of Washington.
- B. No temporary fireworks stand shall be located within 20 feet of any other building or structure, nor within 50 feet of any gasoline station, oil storage tank or premises where flammable liquids are kept or stored.
- C. Each temporary fireworks stand must have at least two exits, which shall be unobstructed at all times.
- D. Each temporary fireworks stand shall have, in a readily accessible place, two approved, pressurized two and one-half gallon water type fire extinguishers.
- E. All weeds, grass and combustible material shall be cleared from the location of the temporary fireworks stand and the surrounding area a distance of not less than 20 feet, measured from the exterior walls on each side of said temporary fireworks stand.
- F. No smoking shall be permitted in or near a temporary fireworks stand and the same shall be posted with proper "No Smoking" signs.
- G. Each temporary fireworks stand shall have an adult in attendance at all times. No child or children under the age of 18 years shall be allowed inside the employee area of any temporary fireworks stand.
- H. All unsold stock and accompanying litter shall be removed from said temporary fireworks stand by 12:00 noon on July 6th of each year.

8.20.100 Temporary stands—Safe and sane fireworks only.

~~All safe and sane fireworks except "toy caps" and "sparklers" shall be sold only from temporary stands.~~

8.20.110 Time limit – Sale of fireworks.

~~No permittee shall sell at retail or offer for sale any fireworks authorized to be sold herein within the city limits of Gig Harbor except from 12:00 noon on June 28th to 12:00 noon on July 5th of any year.~~

8.20.120 Time limit – Use of fireworks (Effective until April 26, 2022).

~~No person shall use or discharge any fireworks within the corporate limits of Gig Harbor except between the hours of 9:00 a.m. and 11:00 p.m. on July 1st through July 3rd, and between the hours of 9:00 a.m. and midnight on July 4th; provided, that this prohibition shall not apply to duly authorized public displays where the same are authorized pursuant to the laws of the state of Washington.~~

8.20.120 Time limit – Use of fireworks (Effective April 26, 2022).

~~No person shall use or discharge any fireworks within the corporate limits of Gig Harbor except between the hours of 9:00 a.m. and midnight on July 4th; provided, that this prohibition shall not apply to duly authorized public displays where the same are authorized pursuant to the laws of the state of Washington.~~

8.20.120 040 Time limit – Use of fireworks.

~~No person shall use or discharge any fireworks within the corporate limits of Gig Harbor except between the hours of 9:00 a.m. and midnight on July 4th; provided, that this prohibition shall not apply to duly authorized public displays where the same are authorized pursuant to the laws of the state of Washington.~~

8.20.130 050 Unlawful acts.

~~It is unlawful for any person to sell, possess, use or explode any dangerous fireworks within the city limits of Gig Harbor. Any item of fireworks which does not bear a "Safe and Sane" registration or classification of the State Fire Marshal in conformity with Chapter 228, Laws of 1961 of the state of Washington, shall be deemed dangerous and is prohibited by this chapter.~~

8.20.140 060 Enforcement.

~~The chief of police or his duly authorized representative is designated as the enforcing officer of this chapter. In addition to all the grounds for revocation of permits set forth in the general provisions of this chapter, any failure or refusal on the part of permittee to obey any rule, regulation or request of the chief of police concerning the sale of fireworks shall be grounds for the revocation of a temporary fireworks stand permit.~~

8.20.150 070 Violation – Penalty.

Violation of any portion of this chapter is an infraction and subject to a penalty of \$1,000 as provided in GHMC 1.16.010(D).

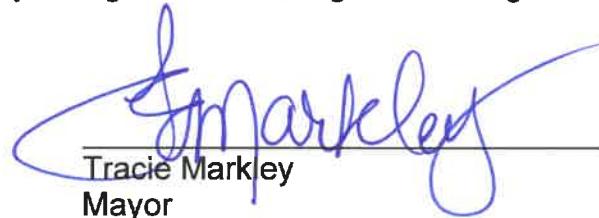
Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. Copy to Chief of the Washington State Patrol. Pursuant to RCW 70.77.250(4) the City Clerk is directed to send a copy of this ordinance to the Chief of the Washington State Patrol for his files within ten (10) days after adoption of this ordinance.

Section 4. Correction of Errors. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

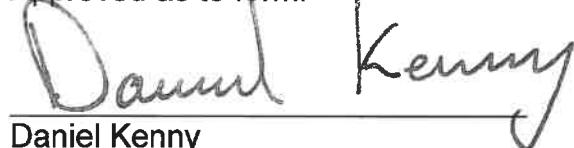
Section 5. Effective Date. This ordinance shall take effect and be in full force twelve (12) months after passage.

ADOPTED by the Council of the City of Gig Harbor at a regular meeting thereof, held this 27th day of June, 2022.



Tracie Markley
Mayor

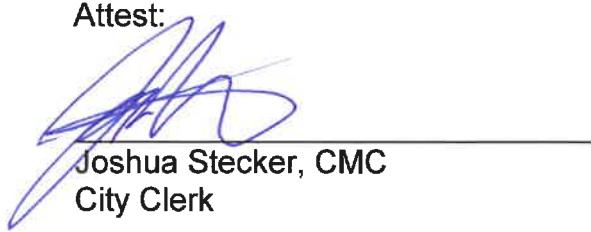
Approved as to form:



Daniel Kenny

Daniel Kenny
City Attorney

Attest:



Joshua Stecker, CMC
City Clerk