

ORDINANCE NO. 418

AN ORDINANCE adopting provisions for regulating the sale and use of fireworks.

WHEREAS, the Gig Harbor City Council repealed the original Ordinance No. 22 by Ordinance No. 417; and;

WHEREAS, the City Council determined it necessary to continue the regulation of fireworks; NOW, THEREFORE,

The City Council of the City of Gig Harbor DO ORDAIN as follows:

Section 1.

It shall be 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 ordinance.

Section 2.

It shall be 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 complying with the provisions of Ordinance No. 400, "Licensing of temporary businesses".

Section 3.

Applications for temporary business licenses pursuant to this ordinance may be filed and will be accepted by the City only during the period between April 15th and July 4th of the year for which the license is sought.

Section 4.

A license granted pursuant to this ordinance shall entitle the licensee to maintain only one retail outlet. All licenses issued pursuant hereto shall be used only by the designated licensee and shall be non-transferrable. Any transfer or purported transfer of such a license shall be deemed a violation of this ordinance.

Section 5.

The maximum number of licenses 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.

Section 6.

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

- a. The applicant shall have a valid and subsisting license issued by the State of Washington 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 herein-after 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 \$300,000 bodily injuries to a person or persons in any one accident or occurrence; and \$100,000 property damage.
- d. The licensee'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 Public Works Director. 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 10th day of July of each year.

Section 7.

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

1. Any person, firm or corporation having been issued a license and exercised its rights under that license for the year prior to the making of the application shall be entitled to renew said license.
2. Any licenses remaining shall be granted to those first applying therefore, who meet all the necessary qualifications and requirements.

Section 8.

No licensee 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 the 28th day of June to 12:00 noon on the 5th day of July of any year.

Section 9.

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

Section 10.

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

- a. Temporary fireworks stands need not comply with all provisions of the Uniform 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, insuring 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 twenty (20) feet of any other building or structure, nor within fifty (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, a fire extinguisher duly approved in advance by the Fire Chief of Fire Protection District No. 5 or his duly authorized representative.
- 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 twenty (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 eighteen 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 the 6th day of July of each year.

Section 11.

No person shall use or explode any fireworks within the corporate limits of Gig Harbor except from 12:00 noon on the 28th day of June to 12:00 noon on the 5th day of July of any year; 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.

Section 12.

The provisions of this Ordinance 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".

Section 13.

This ordinance 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.

Section 14.

The Chief of Police or his duly authorized representative is designated as the enforcing officer of this ordinance. In addition to all the grounds for revocation of licenses set forth in the general provisions of this resolution, any failure or refusal on the part of licensee 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 fireworks license.

Section 15.

Any person, firm or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor, punishable by a fine of up to \$1,000.00.

Section 16. Severability.

If any section, sentence, clause, or phrase of this ordinance should be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 17. Effective Date.

This ordinance is effective and in full force five (5) days following its approval, passage, and publication by law.

PASSED by the City Council and APPROVED by the Mayor at a regular meeting this 14th day of March, 1983.


Ruth M. Bogue, Mayor

ATTEST:


Jeff Smider,
Administrator/Clerk