

ORDINANCE NO. 1277

**ORDINANCE OF THE CITY OF GRANGER REPEAING TITLE 8 CHAPTER 24 OF
THE CITY OF GRANGER MUNICIPAL CODER PERTAINING TO THE
REGULATION OF FIREWORKS AND ADOPTING FIREWORKS REGULATIONS
ON THE PART OF THE CITY OF GRANGER.**

WHEREAS the State of Washington regulates the sale, use, and possession of fireworks as set for at RCW 70.77 *et seq.* as well as at WAC 212-17 *et seq.*; and

WHEREAS at RCW 70.77.250 (4) counties and cities of the State are authorized to adopt ordinances relating to the sale, use, and possession of fireworks that are more restrictive than state law; and

WHEREAS the City of Granger has currently adopted regulations pertaining to the sale, use, and possession of fireworks within the limits of the City of Granger at Title 8 Chapter 24 of the City of Granger Municipal Code (“GMC”); and

WHEREAS the City of Granger wishes to repeal the current version GMC § 8.24 *et seq.*, and adopt new fireworks regulations that are more effectively meet the needs of the city of Granger and its residents.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF GRANGER, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1 – Repeal of Existing Code Sections: The provisions of Chapter 8.24 of the City of Granger Municipal Code in effect as of March 14, 2017, are hereby repealed in their entirety.

Section 2 – Adoption of New Fireworks Regulations: A new version of Title 8 Chapter 24 of the City of Granger Municipal Code shall be, and hereby is, adopted as set forth below.

Chapter 8.24

Fireworks

Sections:

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| 8.24.010 | Definitions. |
| 8.24.020 | Fireworks ban. |

8.24.030	Permit for public display.
8.24.040	Public display-Employee compensation insurance-Liability insurance.
8.24.050	Special purchase and use permits.
8.24.060	Unclassified fireworks-Sale, possession, etc., prohibited.
8.24.070	Non-prohibited commodities and acts.
8.24.080	Enforcement.
8.24.090	Seizure and forfeiture.
8.24.100	Seizure without process permitted.
8.24.110	Violation-penalty.
8.24.120	Violation-Each day a separate, continuing offense.
8.24.130	Severability.
8.24.140	Effective Date

8.24.010 Definitions.

A. The words and phrases herein used for the purpose of this chapter shall have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

1. "Common fireworks" means any fireworks designed primarily to produce visual or audible effects by combustion.

2. "Person" includes any individual, firm, partnership, joint *venture*, association, concern, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.

3. "Public display of fireworks" means an entertainment feature where the public is admitted or permitted to view the display or discharge of special fireworks.

4. "Sale at retail" includes any sale or transfer, including contracts or orders for sales or transfers, wherein any person at a fixed location or place of business sells, transfers or gives fireworks to a consumer or user.

5. "Sale at wholesale" includes a sale or transfer to a retailer or any other person for resale, and which also includes any sale or transfer of special fireworks to public display licensees.

6. "Agricultural and wildlife fireworks" includes any firework devices defined by RCW 70.77.141 or its successor.

7. "Fireworks" means any composition or device, in a finished state, containing any combustible or explosive substance for the purpose of production a visible or audible effect by combustion, explosion, deflagration or detonation, and classified as common or special fireworks.

8. "Special fireworks" means any fireworks designed primarily for exhibition display by producing visible or audible effects. The term includes:

a. Fireworks commonly known as skyrockets, missile type rockets,

firecrackers, salutes and chasers; and

b. Fireworks not classified as common fireworks.

9. "Special effects" means any combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, *visual*, mechanical or thermal effect as a necessary part of a motion picture, radio or television production, theatrical performance or opera.

10. "Pyrotechnic operator" includes any individual who by experience and training has demonstrated the required skill and ability for safely setting up and discharging public displays of special fireworks.

8.24.020 Fireworks Ban. Except as otherwise provided in this chapter, it is unlawful for any person to store, offer for sale, expose for sale, use, possess, fire or discharge any fireworks.

8.24.030 Permit for public display.

A. It is unlawful for any person to make a public display of fireworks within the city of Granger without having first obtained a permit to do so. Application to make such a display shall be made in writing to the City Clerk or his/her designee on forms provided for that purpose and shall be accompanied by a fifty-dollar fee for each display: provided, however, that the Mayor may waive the fifty-dollar fee for student organizations. Application shall be made at least ten days in advance of the proposed display.

B. The Fire Chief or his/her designee shall investigate whether the character and location of the display as proposed would be hazardous or dangerous to any person or property. Based on the investigation the Fire Chief or his/her designee shall submit a report of findings and a recommendation for or against the issuance of a permit, together with reasons, to the City Clerk. The City Clerk may grant or deny the application and may place reasonable conditions on any such permit issues.

C. A permit for the public display of fireworks shall not be issued unless the person applying for the permit is a holder of a valid license issued by the State Fire Marshall to make such a display. If the City Clerk grants a permit for the public display of fireworks, the sale, possession and use of fireworks, the sale, possession and use of fireworks for the public display is lawful for that purpose only. No such permit shall be transferable. Every public display of fireworks shall be handled or supervised by a competent and experience pyrotechnic operator approved by the Fire Chief of his/her designee.

8.24.040 Public display-Employee compensation insurance-liability insurance.

The applicant for a permit for a public display of fireworks shall, at the time of application, submit his license issued by the State Fire Marshal for inspection. In addition, the applicant shall submit to the City Clerk or his/her designee a certificate of insurance in an amount not less than one million dollars combined single limit covering bodily injury liability, property damage liability, including products liability, premises liability and contractual liability for each event respectively. Such certificate of insurance shall also name, as additional insured parties, the City of Granger, its

officers and employees acting in their capacity as agents of the city. The City Clerk or his/her designee with the assistance of the city attorney, if needed, shall approve such certificate of issuance if it meets the requirements of this section.

8.24.050 Special purchase and use permits.

A. Religious organizations or private organizations or persons may purchase or use common fireworks and such audible ground devices as firecrackers, salutes and chasers if:

1. Purchased from a manufacturer, importer or wholesaler licensed pursuant to RCW Chapter 70.77;
2. For Use on prescribed dates and locations;
3. For religious or specific purposes; and
4. A permit is obtained from the City Clerk or his/her designee.

B. Applications for a permit required under this section shall be made in writing to the City Clerk or his/her designee on forms provided for that purpose and shall be accompanied by a fifty dollar fee for each private or religious use of fireworks authorized by this section.

The Fire Chief or his/her designee shall investigate whether the character and location of the proposes use would be hazardous or dangerous to any person or property. Bases on such investigation, the Fire Chief or his/her designee may grant or deny such permit and either the Fire Chief or his/her designee may place reasonable conditions on any permit they may issue.

No such permit shall be transferable. If such permit is issued it shall be lawful only for the uses set forth in it.

A permit authorized by this section shall not be issued unless the applicant is over the age of eighteen years and files with the City Clerk on his/her designee a certificate of insurance in the amount of one million dollars. Such insurance shall be combined single limit covering bodily injury liability, property damage liability, including products liability, premises liability and contractual liability, with the applicant names as insured thereon and which insurance certificate shall also name, as additional insured parties, the City of Granger, its officers and employees acting in their capacity as agents of the City.

8.24.060 Unclassified fireworks-Sale, possession, etc., prohibited. The sale, transportation, possession or discharge of fireworks not marked with the manufacturer's license number and the State Fire Marshal's classification, as required by RCW Chapter 70.77, is prohibited.

8.24.070 Non-prohibited commodities and acts. The provisions of this chapter shall not apply to any explosive or flammable compound, blasting caps or similar items used for industrial purposes, or to any blank cartridges for use by persons for bona fide ceremonial purposes, athletic or sports events or military ceremonials or demonstrations. This chapter shall not be construed so as to prohibit the use of torpedoes, flares or fuses by motor vehicles, railroads

or other transportation agencies for signal purposes, or the assembling, compounding, use and display of fireworks of whatever nature by any person engaged in the production of motion pictures, theatricals or operas when such use and display are a necessary part of the production and such person possesses a valid permit to purchase, possess, transport or use dangerous fireworks; nor shall this chapter prohibit any manufacturer, wholesaler, dealer or jobber having a license and a permit, if a permit is required by this chapter, from manufacturing or selling any kind of fireworks for direct shipment out of this state, manufacturing or selling at wholesale any dangerous fireworks to properly licensed persons holding a permit, if a permit is required by this chapter, or selling fireworks to persons having a license and a permit for public displays of fireworks.

8.24.080 Enforcement. The City of Granger Police Department is designated as the enforcing officer of this chapter. Violations of any provision of RCW Chapter 70.77, this chapter, or a permit issued hereunder, any failure or refusal on the part of the permittee to obey any rule, regulation or request of the Fire Chief or his/her designee concerning fireworks, shall be grounds for the revocation of a fireworks permit. Enforcement of this chapter shall not be construed for the particular benefit of any individual person or group of persons, other than the general public. In the event of a conflict between the intent of this section and any other section of this chapter, this section shall govern in so far as applicable.

8.24.090 Seizure and forfeiture. Any fireworks prohibited by law shall be subject to seizure and forfeiture and no property rights will exist in them.

8.24.100 Seizure without process permitted. Seizure of fireworks without process may be made if the seizure is incident to the discharge of fireworks in a manner or at a time not permitted by this chapter, in the presence of or witnessed by a law enforcement officer; or a law enforcement officer has probable cause to suspect that the seized fireworks were used or intended to be used in violation of this chapter.

8.24.110 Violation-penalty. Failure to perform any act required by this chapter, or the performance of any act prohibited by this chapter, is designated as a violation and classified as a criminal offense. Any person, firm, or corporation found to have committed a violation under this chapter shall be assessed a monetary penalty. No penalty may exceed \$500 for each separate violation.

8.24.120 Violation-each day a separate, continuing offense. A person is guilty of a separate offense for each day during which he/she commits or continues a violation of any provision of this chapter.

8.24.130 Severability. If any provision of this chapter, or its application to any person or circumstance, is held invalid, the remainder of the chapter or the application of the provisions to other persons or circumstances is not affected.

8.24.140 Effective Date: To the extent any provision of this Chapter is more restrictive than state law, that provision shall become effective on March 14, 2018. Otherwise the provisions of this Chapter shall be immediately effective.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ____th
DAY OF _____, 2017.

CITY OF GRANGER

Mayor Jose Trevino

ATTEST/AUTHENTICATED:

Alice Koerner, City Clerk

Approved as to form:

Menke Jackson Beyer, LLP
Attorneys for the City of Granger

Filed with the City Clerk:
Passed by the City Council:
Date of Publication:
Effective Date: