

ORDINANCE NO. 141

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON,
REGULATING THE SALE, DISCHARGE, AND POSSESSION OF
FIREWORKS**

WHEREAS, the risk of fire and the danger to the public safety and property are increased by the sale and discharge of fireworks within Shoreline; and

WHEREAS, fireworks also produce significant amounts of nuisance-type noise; and

WHEREAS, the City of Shoreline has the authority to regulate and restrain the use of fireworks under Article 11, Section 11, of the Washington State Constitution and RCW 35.22.280(22); and

WHEREAS, RCW 70.77.250(4) provides that any local regulation which is more restrictive than state law as to the type of fireworks that may be sold may take effect no sooner than one year after adoption; and

WHEREAS, the Board of Commissioners of King County Fire Protection District #4, who serves Shoreline, has adopted Resolution No. 97-7 requesting that the City ban the sale and discharge of fireworks within Shoreline; and

WHEREAS, restrictions on the possession of fireworks are necessary to enforce a prohibition of the discharge of fireworks; and

WHEREAS, the Shoreline City Council has determined that it is in the best interests of the safety, health, and welfare of its residents to prohibit the retail sale, display, discharge, and possession of fireworks within Shoreline at all times except by permit;

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

Section 1. Definitions.

"Fireworks" means any composition or device, in a finished state, containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and classified as common or special fireworks by the United States bureau of explosives or contained in the regulations of the United States department of transportation and designated as U.N. 0335 1.3G or U.N. 0336 1.4G as of April 17, 1995.

"Special fireworks" means any fireworks designed primarily for exhibition display by producing visible or audible effects and classified as such by the United States bureau of explosives or in the regulations of the United States department of transportation and designated as U.N. 0335 1.3G as of April 17, 1995.

"Common fireworks" means any fireworks which are designed primarily for retail sale to the public during prescribed dates and which produce visual or audible effects through combustion and are classified as common fireworks by the United States bureau of explosives or in the regulations of the United States department of transportation and designated as U.N. 0336 1.4G as of April 17, 1995.

"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 an integral part of a motion picture, radio, television, theatrical, or opera production, or live entertainment.

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

Section 2. General Provisions.

- A. **SALE, POSSESSION, USE AND DISCHARGE OF FIREWORKS UNLAWFUL.** It is unlawful for any person to sell, possess, use, transfer, discharge, ignite or explode any Fireworks, including but not limited to Common and Special Fireworks, within Shoreline provided that this prohibition shall not apply to the following activities, when authorized by a state license and City permit;
- a) Duly authorized Public Displays as provided herein; and
 - b) Duly authorized use by a religious or private organizations or persons of common fireworks and such audible ground devices as firecrackers, salutes, and chasers if:
 - i) Purchased from a licensed manufacturer, importer, or wholesaler;
 - ii) For use on prescribed dates and locations;
 - iii) For religious purposes.
- B. **EXCEPTIONS.** The sale, possession, or use of the following are exempted from this ordinance;
- a) "Trick and Novelty Devices" as defined by WAC 212-17-030; and
 - b) Special Effects (which may be regulated by the Uniform Fire Code).

Section 3. Permits.

- A. **APPLICATIONS FOR PERMITS.** Applications for a permit as required by Section 2 hereof shall be made to the City of Shoreline Development Services Department a minimum of thirty (30) days in advance of the scheduled event or activity.
- B. **AUTHORITY LOCAL FIRE OFFICIAL.** All permit applications shall be reviewed and inspected by the local fire official. The local fire official may impose reasonable requirements on the permits consistent with chapter 212 WAC (Rules of the State Fire Marshall Relating to Fireworks). The local fire official may revoke any fireworks permit(s) for failure to correct a violation of rules or conditions.
- C. **APPLICATION FEES.** Consistent with RCW 70.77.311 (2)(d), no fee may be charged for these permits.
- D. **NONTRANSFERABILITY.** Each permit issued pursuant to this ordinance shall be valid for the specific authorized event only, 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 granted.

Section 4. Penalties.

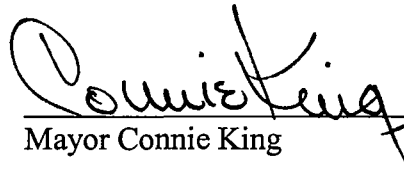
- A. SALE OR USE OF COMMON FIREWORKS. The sale, use, transfer, discharge, ignition or otherwise causing to explode of Common Fireworks in violation of the requirements of this ordinance shall be a misdemeanor. Each occurrence shall be a separate violation hereof. The third violation, in any three month period, shall be a gross misdemeanor.
- B. POSSESSION. Any Common Fireworks held in violation of this ordinance shall be subject to confiscation. The person that is found to be in possession of Common Fireworks in violation of this ordinance shall be subject to up to a Fifty (\$50) fine.

Section 5. Codification. The foregoing provisions shall be codified and designated as new Section 9.15 of the Shoreline Municipal Code.

Section 6. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or 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 7. Effective Date. A summary of this Ordinance consisting of its title 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.

PASSED BY THE CITY COUNCIL ON OCTOBER 27, 1997.




Mayor Connie King

ATTEST:



Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:



Bruce L. Disend
City Attorney

Date of Publication: October 30, 1997
Effective Date: October 30, 1998