

CITY OF STANWOOD
Stanwood, Washington

ORDINANCE 1379

AN ORDINANCE OF THE CITY OF STANWOOD AMENDING STANWOOD MUNICIPAL CODE (SMC) CHAPTER 5.04 FIREWORKS TO AMEND SECTION 5.04.030, PUBLIC DISPLAY LICENSE; REPEAL EXISTING SECTION 5.04.060 SALE DATE, HOURS; TO ENACT A NEW SECTION 5.04.060 SALE, PURCHASE, USE AND DISCHARGE DATES AND HOURS; AMEND SECTION 5.04.080 LICENSE – APPLICATION – INSURANCE REQUIRED; AMEND SECTION 5.04.120 STANDS – TEMPORARY AND AMEND SECTION 5.04.130 PENALTIES FOR VIOLATIONS

WHEREAS, the City of Stanwood adopted Ordinance 636 amending SMC Chapter 5.04 Fireworks to adopt by reference Chapter 70.77 Revised Code of Washington pertaining to fireworks;

WHEREAS, pursuant to Chapter 70.77 RCW permit applications for public displays have certain standards that must be met before the city council grants a permit; and

WHEREAS, pursuant to Chapter 70.77 RCW state law allows the sale and purchase of consumer fireworks from twelve o'clock noon to eleven o'clock p.m. on the twenty-eighth of June, from nine o'clock a.m. to eleven o'clock p.m. on each day from the twenty-ninth of June through the fourth of July, from nine o'clock a.m. to nine o'clock p.m. on the fifth of July, from twelve o'clock noon to eleven o'clock p.m. on each day from the twenty-seventh of December through the thirty-first of December of each year; and

WHEREAS, pursuant to Chapter 70.77 RCW state law allows the use or discharge of consumer fireworks between the hours of twelve o'clock noon and eleven o'clock p.m. on the twenty-eighth of June and between the hours of nine o'clock a.m. and eleven o'clock p.m. on the twenty-ninth of June to the third of July, and on July 4th between the hours of nine o'clock a.m. and twelve o'clock midnight, and between the hours of nine o'clock a.m. and eleven o'clock p.m. on July 5th, and from six o'clock p.m. on December 31st until one o'clock a.m. on January 1st of the subsequent year; and

WHEREAS, pursuant to Chapter 70.77 RCW state law requires specific insurance coverage for retail firework permits; and

WHEREAS, WAC 217-17 provides specific regulations on the set up and operation of retail firework stands; and

WHEREAS, Chapter 70.77 RCW provides penalties for various firework violations; and

WHEREAS, the City desires to align City policy with State Law;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Stanwood as follows:

Section 1. Section SMC 5.04.030 entitled "Public Display License" is hereby amended to read as follows:

A license for a public display of fireworks may be issued by the city council ~~if and when they deem it advisable~~, and if the application demonstrates compliance with the standards of Chapter 70.77 RCW.

Section 2. Section 6 of Ordinance 243 codified as SMC 5.04.060 is repealed.

~~5.04.060 Sale date, hours.~~

~~It is unlawful for any person, firm, co-partnership or corporation to offer for retail sale, expose for retail sale, sell at retail or use any fireworks within the city, except from 12:00 noon on June 28th to 12:00 noon on July 5th of each year. (Ord. 243 § 6, 1963).0~~

Section 3. A new Section SMC 5.04.060 entitled "Sale, purchase, use and discharge/ dates and hours" is hereby enacted which shall read as follows:

5.04.060 Sale, purchase, use and discharge/dates and hours

(1) It is legal to sell and purchase consumer fireworks within the City of Stanwood from twelve o'clock noon to eleven o'clock p.m. on the twenty-eighth of June, from nine o'clock a.m. to eleven o'clock p.m. on each day from the twenty-ninth of June through the fourth of July, from nine o'clock a.m. to nine o'clock p.m. on the fifth of July, from twelve o'clock noon to eleven o'clock p.m. on each day from the twenty-seventh of December through the thirty-first of December of each year;

(2) Consumer fireworks may be used or discharged each day between the hours of twelve o'clock noon and eleven o'clock p.m. on the twenty-eighth of June and between the hours of nine o'clock a.m. and eleven o'clock p.m. on the twenty-ninth of June to the third of July, and on July 4th between the hours of nine o'clock a.m. and twelve o'clock midnight, and between the hours of nine o'clock a.m. and eleven o'clock p.m. on July 5th, and from six o'clock p.m. on December 31st until one o'clock a.m. on January 1st of the subsequent year,

Section 3. Section SMC 5.04.080 entitled "License – Application – Insurance Required" is hereby amended to read as follows:

Application for a license:

(1) Shall be made in writing accompanied by a license fee of \$25.00;

(2) Shall be made on or prior to June 1st of each year. Applicants for any such license shall be notified by the clerk-treasurer of the granting or rejection of their application for license on or before June 15th of each calendar year; and, if any applicants are not granted a license, the fee shall be refunded;

(3) Shall set forth the proposed location of the fireworks stand applied for; and

~~(4) Shall be accompanied by an assurance that if the license is issued to applicant, applicant shall, at the time of receipt of such license, deliver to the clerk-treasurer \$50,000 to \$100,000 public liability, and \$5,000 property damage insurance policy, with rider attached to the policy designating the city as an additional assured thereunder.~~

(4) No retail fireworks permit may be issued to any applicant unless the retail fireworks stand is covered by a liability insurance policy with coverage of not less than fifty thousand dollars and five hundred thousand dollars for bodily injury liability for each person and occurrence, respectively, and not less than fifty thousand dollars for property damage liability for each occurrence, unless such insurance is not readily available from at least three approved insurance companies. If insurance in this amount is not offered, each fireworks permit shall be covered by a liability insurance policy in the maximum amount offered by at least three different approved insurance companies.

Section 4. Section SMC 5.04.120 entitles "Stands – Temporary" is hereby amended to read as follows:

All retail sales of "safe and sane" fireworks shall be permitted only from within a temporary fireworks stand, and the sale from any other building or structure is prohibited. Temporary stands shall be subject to WAC 212.17.185-21519 and the following provisions:

(1) No fireworks stand shall be located within 25 feet of any other building, nor within ~~50~~ 100 feet of any gasoline station;

(2) Fireworks stands need not comply with the provisions of the building code of the city; provided however, that all stands shall be erected under the supervision of the fire chief, who shall require that those stands be constructed in a manner and place which shall insure the safety of attendants and patrons. Approved fire extinguishers shall be maintained at stands at all times;

(3) Each stand must have at least two exits;

(4) No fireworks stand shall be located closer than 600 feet to another fireworks stand;

(5) All weeds and combustible material shall be cleared from the location of the stand, including a distance of at least 20 feet surrounding the stand;

(6) Signs reading "No Fireworks Discharge Within 100 Feet" in letters at least two inches high, with a principal stroke of not less than one-half inch, on contrasting background, shall be conspicuously posted on all four sides of the stand.

~~(7) No "smoking" signs shall be prominently displayed on the fireworks stand;"~~
Signs reading "No smoking within 20 feet" in letters at least two inches high, with principal stroke of not less than one-half inch, on a contrasting background, shall be conspicuously posted on all four sides of the stand.

(8) Each stand shall be operated by adults only. No fireworks shall be left unattended in a stand;

(9) All unsold stock, accompanying litter, and the fireworks stand shall be removed from the location and the city by 12:00 noon on July 6th of each year for the July 4th selling season and by 12:00 noon on January 3rd for the New Year's selling season.

Section 5. Section SMC 5.04.130 entitled "Penalties for Violations" is hereby amended to read as follows:

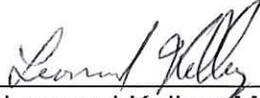
~~Violation of any provision of this chapter shall constitute a Class A infraction as defined in SMC 13.01.045(1) and subject the violator to enforcement as set forth therein.~~ be subject to the penalties of Chapter 70.77 RCW.

Section 6. Severability - If any section, sentence, clause, or phrase of this Ordinance is ruled invalid by a court of competent jurisdiction, the remaining portion of this Ordinance shall remain valid and be in full force and effect.

Section 7. Effective Date - This Ordinance shall be in full force and effect five (5) days after publication by summary.

PASSED by the City Council and APPROVED by the Mayor this 23rd day of October, 2014.

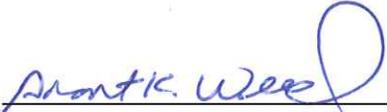
CITY OF STANWOOD

By: 
Leonard Kelley, Mayor

ATTEST:

By: 
Greg Thramer, City Clerk

Approved as to form:

By: 
Grant K. Weed, City Attorney

Date of Publication: October 28, 2014

Effective Date: November 2, 2014