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EXECUTIVE OFFICE

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COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 86-056

REPEALING CHAPTER 10.16,
SNOHOMISH COUNTY CODE; and
ENACTING THE SNOHOMISH COUNTY
FIREWORKS PERMIT CODE



RECEIVED

MAY 19 1986

Bh 1:25 p.m.
SNOHOMISH CO. COUNCIL

BE IT ORDAINED

Section 1. Chapter 10.16 of the Snohomish County Code adopted by Resolution dated January 30, 1956 and last amended by Resolution dated August 29, 1977 is repealed.

Section 2. Snohomish County Code, Section 16.10.010, is adopted as follows:

16.10.010. Purpose. This Chapter 16.10, Snohomish County Code, shall be known as the "Snohomish County Fireworks Permit Code" providing for the administration and enforcement of a fireworks permit system consistent and in accord with Chapter 70.77 RCW, and rules and regulations promulgated thereunder, in the interest of the public health, safety and welfare.

Section 3. Snohomish County Code, Section 16.10.020, is adopted as follows:

16.10.020. Administration and Enforcement - Definitions.
The provisions of this chapter shall be administered and

enforced by the office of the Snohomish County Fire Marshal which shall adopt reasonable rules and regulations for doing such. The terms used in this chapter and rules and regulations adopted thereunder are deemed defined by Chapter 70.77 RCW in all its definitional provisions.

Section 4. Snohomish County Code, Section 16.10.030, is adopted as follows:

16.10.030. Permit Required. No person, without an appropriate permit issued under this chapter, may:

A. Manufacture, import, possess, or sell any fireworks at wholesale or retail for any use; or

B. Make a public display of fireworks; or

C. Transport fireworks, except as a public carrier delivering to a permittee; or

D. Discharge special fireworks at any place,
EXCEPT THAT, no permit is required for the possession or use of common fireworks lawfully purchased at retail.

Section 5. Snohomish County Code, Section 16.10.040, is adopted as follows:

16.10.040. Fireworks Permit - Application.

A. Application for a fireworks permit shall be made to the office of the Snohomish County Fire Marshal on forms provided by it. All fireworks display applications shall be made at least ten (10) days prior to the date of display.

All common retail sales permit applications shall be made at least ten (10) days prior to June 28th. No application may be acted upon until complete nor shall the same be considered complete unless accompanied by copies of all permits, insurance policies or bonds required by Chapter 70.77 RCW, and permit fees prescribed by this Chapter.

B. The application must be signed by the applicant. Whenever the applicant is a person defined by RCW 70.77.190 which is other than an individual, an authorized principal or lawful officer shall sign the application and provide a principal's or an agent's name and street address upon whom lawful process of service may be made.

Section 6. Snohomish County Code, Section 16.10.050, is adopted as follows:

16.10.050. Fireworks Permit - Fee. A fireworks permit fee shall be paid for each permit issued in accordance with Snohomish County Code, Section 17.02.150. The fee for a storage permit shall be the same as a wholesale permit fee.

Section 7. Snohomish County Code, Section 16.10.060, is adopted as follows:

16.10.060. Fireworks Permit - Grant or Denial. The office of the Snohomish County Fire Marshal shall investigate all matters which may aid in determining whether to grant or deny any fireworks permit, except that a

fireworks storage permit shall not be granted until prior written approval of the local fire district official has been obtained for any proposed storage area and/or facility.

Section 8. Snohomish County Code, Section 16.10.070, is adopted as follows:

16.10.070. Fireworks Permit - Revocation. The office of the Snohomish County Fire Marshal, upon reasonable opportunity of the permittee to be heard, shall revoke any permit issued pursuant to this chapter if he finds that:

A. The permittee has violated any provision of Chapter 70.77 RCW, rules and regulations promulgated thereunder or any provision of this chapter, condition of permit, or lawful written order of the office of the Snohomish County Fire Marshal; or

B. The permittee has created or caused a fire nuisance; or

C. A permittee has failed or refused to file any required report; or

D. Any fact or condition exists which, if it had existed at the time of the original application for such permit, reasonably would have warranted the denial of such permit.

Section 9. Snohomish County Code, Section 16.10.080, is adopted as follows:

16.10.080. Hearing. Any person denied issuance of a fireworks permit is entitled to a hearing in accordance with Snohomish County Code, Section 28.12.060.

Section 10. Snohomish County Code, Section 16.10.090, is adopted as follows:

16.10.090. Retailers of Fireworks - Sales Locations.

Retail fireworks shall only be sold within the following structures:

- A. Roadside stands; or
- B. Buildings used for no other purpose; or
- C. Buildings that have been approved by the Fire Marshal and in which the fireworks are displayed such that members of the general public cannot handle said fireworks.

Section 11. Snohomish County Code, Section 16.10.100, is adopted as follows:

16.10.100. Retailers of Fireworks. It shall be unlawful under an issued retail sale permit to:

- A. Sell common fireworks within this county except as provided in Section 16.10.030 of this chapter; or
- B. Employ any person under 16 years of age for the purpose of selling or handling common fireworks; or
- C. Sell or transfer any common fireworks to a consumer or user other than at a fixed place of business for which a permit has been obtained; or

D. Engage in any other fireworks activity covered under this chapter without obtaining a proper permit.

Section 12. Snohomish County Code, Section 16.10.110, is adopted as follows:

16.10.110. Retailer of Fireworks - Signage, Closure and Extinguishers.

A. Approved "No Smoking Within 25 Feet" signs shall be posted at conspicuous locations designated by the local inspection authority. Each sign shall have the words "No Smoking" in red letters not less than 2 inches in height on a white background. Metal signs may be used in locations exposed to the weather, but all signs shall be maintained in a legible condition.

B. Each retail fireworks location shall have not less than two water-type extinguishers of not less than 2 1/2 gallon capacity or alternate equipment deemed equivalent by the office of the Snohomish County Fire Marshal.

C. During the hours that a fireworks stand or location is not open for business, it shall be closed and locked unless all fireworks have been removed.

Section 13. Snohomish County Code, Section 16.10.120, is adopted as follows:

16.10.120. Unlawful Storage. It shall be unlawful for any person to sell unsold stocks of fireworks remaining

unsold after the lawful period of sale as provided in the permit. Unsold retail stocks of fireworks remaining after the authorized sales period from 12:00 noon on June 28 to 12:00 noon on July 6 of each calendar year shall be returned on or before July 31 of that same calendar year to an approved storage facility of a licensed fireworks wholesaler, or to a magazine or storage place approved by the office of the Snohomish County Fire Marshal.

Section 14. Snohomish County Code, Section 16.10.130, is adopted as follows:

16.10.130. Unlawful Possession or Discharge. It shall be unlawful to discharge or possess any class or kind of fireworks in violation of the provision of this chapter or Chapter 70.77 RCW.

Section 15. Snohomish County Code, Section 16.10.140; is adopted as follows:

16.10.140. Public Display - General. It shall be unlawful for any person to:

A. Conduct a public display of fireworks that is of a character and so located, discharged or fired that it is hazardous or dangerous to persons or property; or

B. Conduct a public display of fireworks without a licensed pyrotechnic operator supervising the handling of the special fireworks; or

C. Employ a person under 21 years of age to handle or assist in any manner in the detonation of any special fireworks; or

D. Engage in any other fireworks activity covered under this chapter without obtaining the proper permit.

Section 16. Snohomish County Code, Section 16.10.150, is adopted as follows:

16.10.150. Public Display - Disposal of Unfired Fireworks. Any fireworks that remain unfired after a public display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining.

Section 17. Snohomish County Code, Section 16.10.160, is adopted as follows:

16.10.160. Common Fireworks - Retail Sale or Discharge. Except as otherwise provided by law, no common fireworks shall be sold at retail or discharged except from 12:00 noon on the 28th day of June to 12:00 noon on the 6th of July of each year. No common fireworks may be sold at retail or discharged between the hours of 11:00 p.m. and 9:00 a.m.

Section 18. Snohomish County Code, Section 16.10.170, is adopted as follows:

16.10.170. Misdemeanor. Any person violating any of the provisions of this chapter, or any rules or regulations issued thereunder, is guilty of a misdemeanor, and upon


conviction shall be punished by a fine of not less than \$500 nor more than \$1,000, or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment.

Section 19. Snohomish County Code, Section 16.10.180, is adopted as follows:

16.10.180. 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.

PASSED this 11th day of June, 1986.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Chairperson

Approved as to Form:


Deputy Prosecuting Attorney

ATTEST:


Clerk of Council

- () APPROVED
- () VETOED
- () EMERGENCY

DATE: 6-18-86

Willis D. Tucker
County Executive

PUBLISHED _____ and _____