ORDINANCE NO. 899

An Ordinance Revising Chapter 8.20 of the Chewelah Municipal Code regarding Fireworks and Repealing Ordinances #627, #680 and #732 <u>EFFECTIVE June 15, 2017.</u>

WHEREAS, State law governs the regulation of fireworks but leaves some room for local regulation; and

WHEREAS, it is the desire of the City Council to authorize the Mayor to prohibit the discharge of all fireworks during periods of extreme fire danger; and

WHEREAS, per RCW 70.77.250 (4), an ordinance adopted by a city that is more restrictive than state law shall have an effective date no sooner than one year after its adoption.

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

Section 1: Chapter 8.20 of the Chewelah Municipal Code is hereby repealed and a new Chapter 8.20 is adopted to read as follows:

8.20 FIREWORKS
8.20.010 RCW Adopted
8.20.020 Limitations – Sale and Discharge
8.20.030 Emergencies – Restrictions on Use
8.20.040 Special Permits
8.20.050 Violation - Penalty

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8.20.010 RCW Adopted.
Except as otherwise provided herein, Chapter 70.77 RCW, the State Fireworks Law, is hereby adopted by reference, including all future amendments or additions thereto.

8.20.020 Limitations – Sale and Discharge.
The sale, purchase and discharge of consumer fireworks shall not be permitted at any time except during the following times and dates:

A. Consumer fireworks may be purchased and sold within the City of Chewelah only between the hours of 9:00 a.m. and 11:00 p.m. on July 2nd and 3rd of any year; between the hours of 9:00 a.m. and 12:00 midnight on July 4th of any year; between the hours of 9:00 a.m. and 9:00 p.m. on July 5th of any year; and only between the hours of 12:00 noon and 11:00 p.m. on December 29th through December 31st of any year; and
B. Consumer fireworks may be discharged within the City of Chewelah only between the hours of 9:00 a.m. and 11:00 p.m. on July 3rd of any year; between the hours of 9:00 a.m. and 12:00 midnight on July 4th of any year; between the hours of 6:00 p.m. on December 31st and 1:00 a.m. on January 1st of the subsequent year.
C. No fireworks shall be discharged on or over the Chewelah municipal airport so that such

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fireworks create a hazard to navigation of airplanes in the flight pattern or landing on the runway, nor such that any debris from the fireworks lands on the runway.

8.20.030 Emergencies – Restrictions on Use.

The Mayor, after consulting with the fire chief or his designee as may be deemed appropriate, may prohibit the discharge of all fireworks during periods of extreme fire danger. For the purposes of this chapter, the term "extreme fire danger" shall mean a period of hot, dry weather, accompanied by low fuel moistures. It is during this period that wildland fires can be expected, and fire growth will be accelerated.

8.20.040 Special Permits

A. The fire chief or his designee is authorized to issue permits for the purchase and use of consumer fireworks and such audible ground devices as firecrackers, salutes, and chasers if
   (1) The firework and audible ground devices are purchased from a licensed manufacturer, importer, or wholesaler;
   (2) The consumer fireworks and audible ground devices are used only on prescribed dates, times and locations as set forth in the permit; and
   (3) The consumer fireworks and audible ground devices are used for a religious or specific purpose as set forth in the permit.

B. The fire chief or his designee may make issuance of the permit subject to compliance with specified conditions relating to the mitigation of public health, safety, and welfare concerns. If the public health, safety, and welfare concerns cannot be mitigated, then the application for the permit may be denied.

C. The fire chief or his designee shall develop an application form for permits issued under this section. There shall be no fee charged for the issuance of the permit.

8.20.050 Violation - Penalty

A. Any person violating any provision of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine in an amount not exceeding five hundred dollars, or by imprisonment in jail for a term not exceeding thirty days, or by both. In the case of a conviction for a violation of this chapter, the city's fire chief or designee may order the fireworks stand closed and may deny approval of a request by the person for a fireworks permit for a period of one year.

B. A person is guilty of a separate offense for each separate and distinct violation of any provisions of this chapter, and a person is guilty of a separate offense for each day during which he/she commits or allows to continue any violation of the provisions of this chapter.

C. Any fireworks which are illegally sold, offered for sale, used, discharged, possessed or transported in violation of the provisions of this chapter or of Chapter 70.77 RCW shall be subject to seizure by any police officer.

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Section 2: Ordinances No. 627, 680 and 732 are hereby repealed on **JUNE 15, 2017**.

Section 3: This ordinance shall be in full force and effect on **JUNE 15, 2017**.

Mayor Dorothy L. Knauss

Attest: Pamela McCart, Clerk/Treasurer

Introduced: June 1, 2016
Adopted: June 1, 2016
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