

**ORDINANCE NO. 03-0210**

**AN ORDINANCE OF THE CITY OF EDGEWOOD, WASHINGTON, REPEALING UNIFORM FIRE CODE SECTIONS 7801 AND 7802; CREATING A NEW CHAPTER 8.10 IN THE EDGEWOOD MUNICIPAL CODE ENTITLED “FIREWORKS”, PROHIBITING THE SALES AND DISTRIBUTION OF FIREWORKS; ESTABLISHING DATES AND TIMES FOR DISCHARGE OF FIREWORKS WITHIN THE CITY LIMITS; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, in the interest of public safety, the sale, storage, possession, and discharge of fireworks shall be in accordance the following:

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

**Section 1.** Repealer. Uniform Fire Code Sections 7801 and 7802 are hereby repealed their entirety.

**Section 2.** Definitions. Definitions for fireworks shall be as set forth in RCW 70.77.126 as now exists or is hereafter amended.

**Section 3.** Sales and Distribution Prohibited. It is unlawful for any person, firm, or corporation to engage in the retail sale of, or to sell any fireworks within the City of Edgewood.

**Section 4.** Dangerous Fireworks Prohibited. It is unlawful for any person to, possess, use, or explode any fireworks other than Consumer Fireworks, as defined in RCW 70.77.136, as now exists or as hereafter may be amended, within the City of Edgewood.

**Section 5.** Dates When Discharge Permitted. No person shall use or explode any fireworks within the city limits of the City of Edgewood except between 12:00 noon and 11:00 p.m. from July 1 through July 5; provided, that this prohibition shall not apply to duly authorized public displays where the same are authorized pursuant to the laws of the State; and provided further, that this prohibition shall not apply to persons or organizations specified in Section 7 below. Discharge of fireworks on December 31 and January 1 authorized by RCW 70.77 is specifically prohibited in the City of Edgewood.

**Section 6.** Hours of Discharge. No person shall use or explode any fireworks in the City of Edgewood between the hours of 11:00 p.m. and 9:00 a.m., except that the period of discharge on July 4 is extended to 12:00 midnight. Any person found in violation of this Section shall be subject to a civil penalties citation in the amount of \$75.00; provided, however, this Section shall not apply to authorized public displays as are specified in Section 8, below.

**Section 7.** Public Display. Public display of fireworks shall be in accordance with RCW 70.77 and WAC 212.17 and the following:

A permit will be required for all public displays of fireworks. Any person desiring to put on a public display of fireworks shall apply in writing to the City Manager for a permit at least thirty days in advance of the proposed display. The applicant shall submit information and evidence concerning the following:

1. The name of the organization sponsoring the display, if other than the applicant;
2. The date the display is to be held;
3. The exact location for the display;
4. The name and license number of the pyrotechnic operator who is to supervise discharge of the fireworks, and the name of at least one experienced assistant;
5. The number of set pieces, shells (specify single or multiple break), and other items;
6. The manner and place of storage of such fireworks prior to the display;
7. A diagram of the ground on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways and other lines of communication, the lines behind which the audience will be restrained, and the location of all nearby trees, telegraph or telephone lines, or other overhead obstruction;
8. Applicant shall procure and maintain public liability insurance with limits of not less than \$1,000,000.00 for bodily injury to any one person in one accident or occurrence; \$2,000,000.00 for bodily injury to two or more persons in any one accident or occurrence; and \$500,000.00 property damage; or, at the option of the applicant, a combined single limit of \$2,000,000.00 per occurrence. The insurance policy shall name the City as an additional assured and shall contain a provision that it will not be cancelled or reduced without 30 days advance written notice to the City. The applicant shall also procure a State Fire Marshal's general license for the public display of fireworks;
9. The fee for each permit for public display of fireworks shall be as specified in the fee schedule, adopted by City of Edgewood Resolution 02-125, as now exists or as hereafter may be amended.

**Section 9.** Civil Infraction. Any person violating any of the provisions of this Ordinance shall be guilty of a civil infraction and shall be assessed a civil penalty of \$250 for each any every day of violation.

**Section 10.** 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 11.** Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect on June 30, 2004.

**Presented to Council for First Reading on June 10, 2003.  
Presented to Council for First Reading on June 24, 2003.**

**ADOPT BY THE CITY COUNCIL ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003.**

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John Powers, Mayor

**ATTEST:**

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Terri Berry, City Clerk

**APPROVED AS TO FORM:**

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Ogden, Murphy, Wallace, P.L.L.C. Attorneys

Date of Publication: July 3, 2003  
Effective Date: June 30, 2004