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17C.60.230 Fireworks.

Section 3301.1.3 of the International Fire Code is deleted in its entirety and replaced as follows:

The sale, storage, possession, transportation, and discharge of fireworks shall be in accordance with RCW 70.77, WAC 212-17 and the following:

A. Definitions. Definitions for fireworks are listed in RCW 70.77 and WAC 212-17.

B. Permit to Sell Required. It is unlawful for any person, firm, or corporation to engage in the retail sale of, or to sell any fireworks within the unincorporated area of Pierce County without first having obtained a permit pursuant to the provisions of this Chapter. Applications for permits will be accepted by the County only during the period between March 15 and May 10 of the year for which the permit is sought. May 10 shall be the official date of receipt for such applications. Applications shall be accompanied with a permit fee in the amount specified in International Fire Code Section 105.8 as amended herein. Permits shall be approved by the Pierce County Executive or designee. Sales shall not commence until an on-site inspection of the sales site has been conducted and approved by the Fire Marshal.

C. Dangerous Fireworks Prohibited. It is unlawful for any person to sell, possess, transport, use, or explode any fireworks classified as dangerous within the unincorporated area of the County except as permitted by RCW Chapter 70.77. Any person found in violation of this Section shall be subject to the penalties prescribed in RCW 70.77.

D. Dates When Sales and Purchases Permitted. No permit holder shall sell at retail or offer for sale nor shall any person purchase any fireworks authorized to be sold in this Chapter within the unincorporated area of the County, except from 12:00 noon to 11:00 p.m. on June 28, from 9:00 a.m. to 11:00 p.m. from June 29 through July 4, and from 9:00 a.m. to 9:00 p.m. on July 5 of any year. Sale and purchase of fireworks on December 27 through December 31 authorized by RCW Chapter 70.77 is specifically prohibited in unincorporated Pierce County.

E. Dates When Discharge Permitted. No person shall use or explode any fireworks within the unincorporated area of the County except from between 12:00 noon and 11:00 p.m. on June 28 and between 9:00 a.m. and 11:00 p.m. on June 29 through July 3, between 9:00 a.m. and 12:00 midnight on July 4, and between 9:00 a.m. and 11:00 p.m. on July 5 of any year; provided, that this prohibition shall not apply to duly authorized

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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 Item G., below. Discharge of fireworks on December 31 and January 1 authorized by RCW 70.77 is specifically prohibited in unincorporated Pierce County.

F. Hours of Discharge. No person shall use or explode any fireworks within the unincorporated area of the County 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 the penalties prescribed in RCW 70.77; provided, however, this Section shall not apply to authorized public displays as

are specified in Item G., below.

G. Exemptions from Discharge Time Regulations. The discharge of fireworks by religious organizations for ceremonial use and/or by private organizations or persons for specific uses, when approved by the Fire Marshal, shall be permitted at any time or date so approved.

H. Number of Permits Limited. No person, firm, or corporation shall receive more than one permit for the sale of fireworks during any one calendar year. The maximum number of permits issued by the County in any year shall not exceed one for every 7,000 or fraction thereof, in excess of 3,500 in population, residing in the unincorporated limits of the County.

I. Issuance of New Permits. In the event there are more applications for permits than there are permits available, permits shall be granted in the following manner:

1. Any person, firm or corporation having been issued a permit and exercised its rights under that permit for the year prior to the making of the application shall be entitled to renew the permit except upon a determination by the Fire Marshal that fewer permits are available due to reduction in population, a drawing will be conducted to determine which of the applicants will be granted permits.

2. Upon a determination by the County Fire Marshal that additional permits are available due to growth in population or cancellation or termination of any existing permits, the County shall notify all prospective applicants for permits to sell fireworks of whom it has notice, of the time, date and place at which a drawing for the permits shall be conducted.

J. Number of Retail Outlets Limited. A permit granted pursuant to this Chapter shall entitle the permit holder to maintain only one retail outlet. All permits issued pursuant to this Chapter shall be used only by the designated permit holder and shall be nontransferable. Any transfer or purported transfer of such a permit shall be a violation of this Chapter.

K. Submittal Standards. An application for the sale of fireworks shall include the following:

1. The permit applicant shall have a valid and subsisting license issued by the State authorizing the holder thereof to engage in the sale of fireworks.

2. The permit applicant shall own or have the right to possess a temporary fireworks stand complying with the standards set forth in this Chapter for temporary fireworks stands.

3. The permit applicant shall procure and maintain a policy or policies of public liability and property damage insurance with a company or companies licensed to do business in the State, with liability limits of not less than \$100,000.00 for bodily injuries to any one person in one accident or occurrence; \$500,000.00 for bodily injuries to two or more persons in any one accident or occurrence; and \$100,000.00 property damage; or, at the option of the applicant, a combined single limit of \$500,000.00 per occurrence.

4. The permit holder's location or place of business shall be only in those areas or zones within the County wherein commercial activities are authorized under the applicable zoning laws of the County; provided, that the sale of approved fireworks shall not be deemed an enlargement of an existing nonconforming use; and provided further, that no fireworks shall be sold in any residential area where a commercial

enterprise does not exist.

5. A site plan showing the location of the stand and separations required by WAC 212-17-21509 shall be submitted with the permit application. Except for minor adjustments on the site to comply with the separation requirements, a stand shall not be moved from the location on the plan unless a revised site plan has been submitted prior to June 18.

6. An Ortho Photo of the stand location area shall be provided. The location of the stand shall be noted on the photo.

7. A current letter of authorization from the property owner, stating the stand location is approved, shall be provided.

8. Identification of the temporary storage area for the fireworks (when not in the fireworks stand) shall be provided.

9. The permit applicant shall post with the County a performance bond or cash deposit in an amount not less than \$250.00, conditioned upon the prompt removal of the temporary stand and the cleaning up of all debris from the site of the temporary stand, which deposit shall be returned to the applicant only in the event that he removes the temporary stand and cleans up all debris to the satisfaction of the Fire Marshal. In the event of the applicant's failure to do so, the performance bond or cash deposit shall be forfeited to the County and such failure may be grounds to refuse to grant a permit the following year. In no event shall the applicant be entitled to the return of the performance bond or cash deposit if he has failed to remove the temporary stand and clean up all debris before July 16 of each year. The applicant shall be responsible for the cost of the cleanup that exceeds the amount of the performance bond or cash deposit.

10. The application shall be signed by the permit applicant or its duly authorized officer or agent.

L. Stands to be Temporary. Fireworks approved for sale and sold at retail sale shall be sold from temporary stands only, or other such temporary structures as approved by WAC 212.17.

M. Revocation of Permit. The Fire Marshal or duly authorized representative may summarily revoke any fireworks permit for any failure or refusal on the part of the permit holder to obey any rule or regulation.

(Ord. 2004-30s § 4 (part), 2004)