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| 3/12/21 |  |  | **1** |
| Ground-based Devices |  |  |  |
|  |  |  |
|  | Sponsor: | Von Reichbauer |
| [J. Tracy] |  |  |  |
|  | Proposed No.: | 2021-0057  |
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**AMENDMENT TO PROPOSED ORDINANCE 2021-0057, VERSION 1**

On page 2, beginning on line 27, strike lines 27 through 29, and insert:

 "A. This ordinance updates the King County Code to prohibit the retail sale, use and discharge of certain fireworks, as allowed by RCW and WAC fireworks regulations."

On page 6, beginning on line 120, strike lines 120 through 124 and insert:

 "A. Fireworks defined as ground and hand-held sparkling devices in chapter 212-17 WAC are legal for sale, possession and use within unincorporated King County as set forth in this chapter.

 B. Fireworks that are not ground or hand-held sparkling devices are expressly prohibited for sale, possession, discharge, storage or use in unincorporated King County absent a permit issued by the county under RCW 70.77.260 and this chapter.

 NEW SECTION. SECTION 8. There is hereby added to the chapter established in section 3 of this ordinance a new section to read as follows:

 A. The sale, possession, use or discharge of any fireworks before noon on June 28 or after midnight on July 4 each year is prohibited except where authorized by the fire marshal or exempted under this chapter.

 B. Only fireworks defined as ground and hand-held sparkling devices by chapter 212-17 WAC may be sold at retail stands. Ground and hand-held sparkling devices may be sold only during the following hours and dates:

 1. Noon to 11:00 p.m. on June 28; and

 2. 9:00 a.m. to 11:00 p.m. on June 29 through July 4.

 C. Ground and hand-held sparkling devices may only be discharged on July 4 between 9:00 a.m. and midnight.

 NEW SECTION. SECTION 9. There is hereby added to the chapter established in section 3 of this ordinance a new section to read as follows:

 A. A permit for the retail sale of fireworks issued by the fire marshal must be prominently displayed at the sales location.

 B. Retail operators applying for a permit from the fire marshal under this chapter shall submit a copy of their State Retailers License under RCW 70.77.305 authorizing the holder to engage in the fireworks business. Each permit application must be accompanied by a certificate of insurance as described in this chapter.

 C. The annual permit fee for the retail sale of fireworks shall be the maximum authorized by RCW 70.77.555, payable in advance to the office of the King County fire marshal.

 D. Only one permit per year for the retail sale of fireworks shall be issued to any person and that permit shall entitle the permittee to maintain one retail outlet only.

The permittee's location or place of business, if a temporary fireworks stand, shall be only in those areas or zones within King County that have been approved by the King County fire marshal or designee.

 E. In those cases where the sale of fireworks is from a temporary fireworks stand, the stand shall conform to the following minimum standards and conditions:

 1. The fireworks stand need not comply with all of the provisions of the King County building codes. However, the fireworks stand shall be erected under the supervision of the King County fire marshal or designee, who shall require all the firework stands to be constructed in a safe manner;

 2. If the fireworks stand is wired for electricity, the wiring shall conform to chapter 19.28 RCW;

 3. A heating unit or device with a surface temperature capable of igniting fireworks or having an open flame shall not be allowed within the fireworks stand;

 4. The fireworks stand shall not be located within twenty-five feet of any public or private street, alley, lane or any other vehicular driving surface, within fifty feet of any building or structure or within one hundred feet of any gasoline dispensing pump or any tank where flammable liquids or flammable gases are stored;

 5. Vehicle parking shall not be permitted within twenty-five feet of the fireworks stand, including curbside parking, and such an area shall be roped or barricaded to prevent such parking;

 6. Smoking shall not be permitted in the fireworks stand or any nearer than twenty-five feet from the stand. "NO SMOKING" signs, having lettering at least two inches in height, shall be posted in a conspicuous location on all four sides of the fireworks stand;

 7. Discharge of fireworks shall not be permitted within three hundred feet of any fireworks stand. Signs to this effect shall be posted conspicuously at the stand;

 8. The area around the fireworks stand shall be completely free of hazardous accumulations, including dry grass, brush or debris of any nature, for a distance of not less than twenty-five feet on all sides;

 9. The fireworks stand shall have at least two exits, located remotely from each other, which shall be unobstructed at all times;

 10. The fireworks stand shall have in a readily accessible location not less than two 2A‑rated fire extinguishers, which are two and one-half gallon water extinguishers. The extinguishers shall be UL approved;

 11. The fireworks stand shall be under the direct supervision of a competent person, eighteen years of age or older. A person under the age of sixteen shall not be allowed in the stand during business hours;

 12. Fireworks may be left in the fireworks stand at night, but only if the stand is locked and a guard is posted. The guard shall not stay within the stand;

 13. Fireworks removed from the fireworks stand at night shall be stored in an approved storage location. The storage location shall be approved in advance by the King County fire marshal or the fire chief of the local fire district having jurisdiction;

 14. All unsold stock and accompanying litter shall be removed from the fireworks stand by twelve noon on July 10 of the permit year;

 15. Customers shall not be permitted inside the fireworks stand;

 16. The fireworks stand must be located either at least three hundred feet from another temporary fireworks stand or separated from another temporary fireworks stand by a major arterial thoroughfare at least one hundred feet in width;

 17. Fireworks shall not be sold at the fireworks stand to persons under the age of sixteen years without the presence of a parent or guardian. A sign to this effect shall be posted conspicuously on the stand. Sellers shall require proof of age by means of display of a driver's license or photo identification card showing date of birth issued by a state, federal or foreign government. Other forms of identification shall not be accepted; and

 18. The fireworks stand shall prominently post a list of fireworks that may be sold to the public and stating the lawful hours for discharge. The fire marshal shall provide a copy of the notice with each retail permit issued under this chapter.

 NEW SECTION. SECTION 10. There is hereby added to the chapter established in section 3 of this ordinance a new section to read as follows:

 A. Any person desiring to give a public display of fireworks shall submit to the"

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 8, after line 171, insert:

 NEW SECTION. SECTION 9. There is hereby added to the chapter established in section 3 of this ordinance a new section to read as follows:

 In addition to any other acts prohibited by this chapter, the following acts are prohibited:

 A. The discharge of any fireworks in King County parks, unless approved by the manager of the parks and recreation division and the fire marshal.

 B. The discharge of fireworks inside or upon a structure, unless a permit has been obtained from the fire marshal.

 C. The discharge of fireworks in a manner which constitutes a hazard to persons or property.

 D. The discharging or throwing of ignited fireworks from vehicles or buildings.

 E. The discharging or throwing of ignited fireworks from watercraft or vessels, unless a permit has been obtained from the fire marshal.

 F. Fireworks shall not be transported in or upon vehicles used for mass transportation such as buses or trains.

NEW SECTION. SECTION 10. There is hereby added to the chapter established in section 3 of this ordinance a new section to read as follows:

 The fire marshal shall have the authority to seize, take, remove or cause to be removed at the expense of the owner, all fireworks offered or exposed for sale, stored, possessed or used in violation of this chapter.

 A. Any person whose fireworks are seized under the provisions of this chapter, may within ten days after the seizure, petition the fire marshal in writing to return the fireworks seized upon the grounds that such fireworks were illegally or erroneously seized. The petitions shall be considered by the fire marshal within fifteen days after either filing or an oral hearing granted to the petitioner if requested, or both. The decision of the fire marshal shall be provided in writing to the petitioner. The fire marshal may order the fireworks seized under this chapter disposed of or returned to the petitioner if illegally or erroneously seized, providing such return is in compliance with state law and this chapter.

 B. The determination of the fire marshal is final, unless within sixty days an action is commenced in a court of competent jurisdiction for the recovery of fireworks seized by the fire marshal.

 C. If the fireworks are not returned to the petitioner or destroyed, the fire marshal shall turn all confiscated fireworks over to the state fire marshal."

On page 30, beginning on line 636, strike lines 636 through 638, and insert:

 "a. Christmas tree lots;

 b. Fireworks stands; and

 c. Produce stands."

On page 32, beginning on line 670, strike all of sections 15 and 16.

Renumber the remaining sections consecutively and correct any internal references accordingly.

**EFFECT prepared by *Jake Tracy*: This amendment would allow for the sale, possession, and use of fireworks defined as "ground and hand-held sparkling devices" in WAC 212-17-025. These include:**

 **(i) Wire sparkler/dipped stick;**

 **(ii) Cylindrical fountain;**

 **(iii) Cone fountain;**

 **(iv) Illuminating torch;**

 **(v) Wheel;**

 **(vi) Ground spinner;**

 **(vii) Flitter sparkler;**

 **(viii) Toy smoke device.**

**The amendment would retain regulations that are proposed to be removed as part of the ordinance that pertain to fireworks stands, and would also retain existing code language on limits on the dates and times during which fireworks can be sold.**