



## Legislation Text

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Clerk 07/13/2006

AN ORDINANCE relating to the establishment of "no fireworks" zones through citizen petitions; amending Ordinance 6836, Section 11, and K.C.C. 6.26.110 and adding a new section to K.C.C. chapter 6.26.

### PREAMBLE:

Empowering citizens to protect their property and wellbeing in accordance with the particular needs of their own local neighborhood is an essential element of good county governance.

Governments must properly balance public safety during firework displays with the desire of citizens to observe long-held national traditions.

Many citizens of the county have traditionally celebrated the birth of our nation with the discharge of fireworks. Due to population density, most of the municipalities within King County have banned the use of fireworks on Independence Day to protect the safety of the public.

Many neighborhoods within unincorporated King County have similar dense, urban populations and desire to have similar firework safety measures. The citizens of these neighborhoods have appealed to the council to ban the use of fireworks in order to provide them with firework safety protection. Other neighborhoods within unincorporated King County do not have the same firework safety concerns, and the citizens of these neighborhoods oppose the institution of a county-wide ban on fireworks. Recognizing that different areas of the county have differing desires as to level of limits on the use or discharge of fireworks, the council hereby provides the

citizens a method to establish by petition a ban on fireworks within their particular local areas.

These areas should be defined by boundaries of local fire protection districts for ease of identification and due to the need for involvement by staff from the fire districts.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

NEW SECTION. SECTION 1. There is hereby added to K.C.C. chapter 6.26 a new section to read as follows:

A. The boundaries of the no firework zone requested by the petition shall correspond to the service area boundaries of an existing King County fire district. If there is an incorporated area within the fire district, the incorporated area shall be excluded from the boundaries of the requested no firework zone.

B. Petitions requesting the council to create a no fireworks zone shall be filed with the clerk of the council. Petitions shall contain the signatures of at least ten elector-residents of each voting precinct within the boundaries of the no firework zone under consideration. A map and legal description of the area shall be included with the petitions.

C. After petition signatures have been verified by the King County records, elections and licensing services division, the council shall set a date of hearing. Legal notice of the hearing shall be published once in the official county newspaper and once in a newspaper of general circulation within the proposed no firework zone, at least ten days prior to the hearing.

D. If the council finds the formation of the petitioned no firework zone to be beneficial to the public health, safety and general welfare, it shall establish such a no fireworks zone by ordinance. The council shall consider, but is not limited to, the location, terrain and surrounding land-use of the petitioned area.

E. Common fireworks are expressly prohibited for sale within a no fireworks zone. Possession, discharge, or use of common fireworks within a no fireworks zone is expressly prohibited unless the fire marshal has issued a permit for such a purpose.

F. In accordance with RCW 70.77.250(4), a no fireworks zone shall take effect one year after being

established by ordinance by the council.

SECTION 2. Ordinance 6836, Section 11, and K.C.C. 6.26.110 are each hereby amended to read as follows:

A. ~~((Criminal Penalty.))~~ Any violation of this chapter constitutes a misdemeanor and all violations are punishable as prescribed by law.

B. ~~((Civil Penalty.))~~ 1. As an alternative to any criminal penalty provided ~~((herein))~~ in this section or by law, any person who violates any provision of this chapter shall be subject to a civil penalty in an amount not to exceed ~~((two hundred fifty))~~ five hundred dollars per violation to be directly assessed by the fire marshal. The fire marshal, in a reasonable manner, may vary the amount of the penalty assessed to consider the appropriateness of the penalty to the size of the business of the violator; the gravity of the violation; the number of past and present violations committed and the good faith of the violator in attempting to achieve compliance after notification of the violation.

2. All civil penalties assessed will be enforced pursuant to K.C.C. Title 23.