

ORDINANCE NO. 377 2007

AN ORDINANCE AMENDING KITSAP COUNTY CODE CHAPTER 10.48
RELATING TO FIREWORKS

BE IT ORDAINED:

Section 1. Kitsap County Code Section 10.48.010, adopted by Ordinance 152 – 1993 is amended as follows:

10.48.010 Discharge restricted.

Discharge of consumer fireworks in the unincorporated portion of Kitsap County is restricted to July 4th between the hours of 11:00 a.m. and 11:00 p.m.

Exception: Discharge by public display may be conducted if permitted and authorized pursuant to Section 10.48.014.

Section 2. Kitsap County Code Section 10.48.012, adopted by Ordinance 248-2000 is amended as follows:

10.48.012 Retail sales restricted.

Consumer fireworks may be sold at retail in the unincorporated portion of Kitsap County from 12:00 noon on June 28th until 10:00 p.m. on July 4th of each year. However, no consumer fireworks may be sold between the hours of 11:00 p.m. and 9:00 a.m. from June 28th through July 4th. Fireworks may not be sold at any other time, specifically including the period between December 27th and January 1st of each year.

Section 3. Kitsap County Code Section 10.48.014, adopted by Ordinance 248-2000 is amended as follows:

10.48.014 Firework permits.

No person, firm or corporation shall import, manufacture, transport (except as public carrier delivering to a licensee), possess, store, sell or offer to sell at retail or wholesale or discharge fireworks in the unincorporated portions of Kitsap County without first obtaining a permit from the fire marshal. **Exception:** No permit is required for the sale or use of agricultural or wildlife fireworks exempted from licensing by the State Fire Marshal by the provisions of Chapter 70.77 RCW; and, no permit is required for the private possession, transportation or discharge of consumer fireworks as defined in WAC 212-17-035 during authorized use periods. Permits required by this section shall be issued or denied by the county fire marshal and subject to the same approval and appeal procedure standard as a Type I procedure. Additional permits are required to use a temporary membrane structure for the retail sale of fireworks.

1. Applications for permits required by this chapter shall be submitted in such form and detail as prescribed by the fire marshal. A separate application shall be required for each site and activity. Applications shall include as a minimum:
 - a. The applicable fee;
 - b. Appropriate state licenses;
 - c. Insurance certificate(s);
 - d. A site or discharge plan; and,
 - e. The names, addresses and telephone numbers of the applicant(s) and responsible party(ies).
2. Permit applications shall be received by the fire marshal:
 - a. No later than 4:30 p.m. on the last official county work day in May for retail sales;
 - b. Not less than ten (10) business days prior to the date of an intended public display; and,
 - c. Prior to commencing a permitted activity for all other uses.
3. In addition to the other requirements of this chapter or Chapter RCW 70.77 RCW:
 - a. Applicants for firework retail sales or public display permits shall procure and maintain a policy or policies of public general liability, bodily injury and property damage insurance in a company or companies approved by the county in the minimum amount of one million dollars (\$1,000,000) single limit; Kitsap County shall be named as an additional insured.
 - b. Retail sales of fireworks shall occur only from temporary structures and such structures are limited in location to those zones wherein commercial or industrial activities are authorized.

Section 4. Kitsap County Code Section 10.48.016, adopted by Ordinance 248-2000 is amended as follows:

10.48.016 Supervision of public displays.

All public firework displays shall be conducted or supervised by a pyrotechnic operator licensed in accordance with the laws of the State of Washington.

Section 5. Kitsap County Code Section 10.48.018, adopted by Ordinance 248-2000 is amended as follows:

10.48.018 Enforcement.

The provision of this chapter may be enforced either by the Kitsap County Sheriff's Office, the Kitsap County Fire Marshal or the Fire Marshals official designee. Authorized representatives of the Kitsap County Sheriff's Office or the Kitsap County Fire Marshal's Office may issue a citation or a notice of infraction for any violation of this ordinance or section of the county code if the authorized

representative reasonably believes that any provision of this chapter has been violated. Violating any provision of this chapter, Chapter 70.77 RCW, WAC 212-17 or a lawful order issued by the fire marshal shall be grounds for the revocation of a fireworks permit.

1. Any fireworks sold, possessed, offered for sale, discharged or transported in violation of the provisions of this chapter shall be subject to seizure by the county fire marshal or law enforcement authority.
2. Firework seizures authorized by this section may be appealed as a Type 1 decision provided that such appeal is filed with the fire marshal within ten calendar days of the seizure.
3. The fire marshal may dispose of any seized fireworks by summary destruction at any time after the appeal deadline has passed or on order or judgment approving destruction.

Section 6. Effective Date. Sections 1 and 2 of this ordinance shall be effective one year after adoption. The remaining sections shall be effective immediately.

If any provision of this ordinance, or its application to any person, entity or circumstance is for any reason held invalid, the remainder of this ordinance, or the application of the provision to other persons, entities or circumstances is not affected.

Enacted this 26th day of February, 2007.

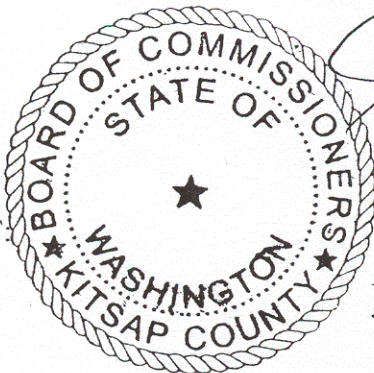
BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

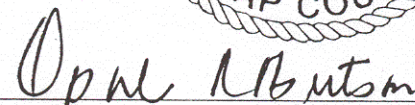

CHRIS ENDRESEN, Chair


JAN ANGEL, Commissioner


JOSH BROWN, Commissioner

ATTEST:




Opal Robertson,
Clerk of the Board

Approved as to form:

Philip Bacus
Deputy Prosecuting Attorney