

Chapter 8.06

FIREWORKS REGULATION

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8.06.010 **Applicability.** This ordinance shall apply to the manufacture, sale, possession, and discharge of fireworks within the City of Benton City. Except as provided herein, it shall be unlawful for any person to store, offer for sale, expose for sale, sell at retail, use, possess, or discharge any fireworks. (Ord. 528, June 1989.)

8.06.015 **Definitions.**

- A. “Display fireworks” shall mean all fireworks as defined in RCW 70.77.131.
- B. “Legal consumer fireworks” shall mean all fireworks as defined in RCW 70.77.136 and not otherwise prohibited by BCMC 8.06.140.
- C. “Public display” shall include any event opened to the public wherein State allowed consumer fireworks or display fireworks are utilized.
- D. “State allowed consumer fireworks” shall mean all fireworks as defined in RCW 70.77.136. (Ord. 865, November 2009)

8.06.020 **Fireworks -- Dates and times allowed.** Fireworks may be issued, fired or discharged during the following periods:

- A. Sale and purchase of legal consumer fireworks. Legal consumer fireworks may only be sold and purchased within the City of Benton City, Washington, on the following dates and times:
 - 1. From 12:00 noon on the 28th day of June of each year, and ending at 9:00 p.m. on the 5th day of July of each year.
 - 2. From 12:00 noon on the 27th day of December of each year, and ending at 5:00 p.m. on December 31st.

- B. Use and discharge of legal consumer fireworks. Legal consumer fireworks may be used or discharged within the City of Benton City, Washington, on the following dates and times:
1. Between the hours of 12:00 noon and 11:00 p.m. on June 28th through July 4th of any year except July 4th, in which fireworks can be discharged between the hours of 9:00 a.m. and midnight.
 2. Between 6:00 p.m. on December 31 of any calendar year and ending at 7:00 p.m. on the next following January 1. (Ord. 865, November 2009; Ord. 818, December 2006; Ord. 528, June 1989.)

8.06.030 Fireworks -- Discharge rules and regulations.

- A. It is unlawful to use, fire, or discharge any fireworks along the route of and during any parade or at any place of public assembly or in any commercial use district.
- B. It is unlawful at any time to throw or toss any fireworks at any person, animal, vehicle or other thing or object.
- C. Smoking and the discharge of fireworks shall be prohibited within twenty five (25) feet of any building or stand in which fireworks are sold at retail or stored after hours. (Ord. 528, June 1989.)

8.06.040 Retail sales -- Permit application -- Permit nontransferable. The Benton City clerk may issue, each year permits for the sale of fireworks to persons, corporations, or organizations after investigation and after determination by the Benton County Fire District #2 Fire Chief, hereinafter referred to as, Fire Chief, that the location where the fireworks are to be sold is not hazardous to property or endangers any person and that the persons in charge of selling the fireworks are competent and trained to handle such fireworks. The application for permit for retail sale of fireworks shall be accompanied by a letter from the person legally responsible for the property on which such sale is to take place. Such letter shall grant permission to the applicant for the use of said property. Any permit granted hereunder shall be nontransferable. (Ord. 528, June 1989.)

8.06.050 Retail sales-- Permit fee. The fee for a permit for retail sale of fireworks shall be \$25.00, provided that bona fide charitable and nonprofit enterprises organized for charitable, benevolent eleemosynary, educational, civic, patriotic, political, social, fraternal, athletic, or religious purposes and operating four or more stands for the retail sale of fireworks shall pay a single maximum fee of \$100.00. (Ord. 528, June 1989.)

8.06.060 Retail sales -- Rules and regulations. The sale of fireworks shall be in accordance with the Washington State Fireworks Law, Chapter

70.77 RCW and the Washington State Administrative Code, Chapter 212-17 unless otherwise provided in this section.

- A. No person under the age of eighteen (18) shall be employed by the permittee in connection with the retail sale of fireworks.
- B. Fireworks sold at retail shall be sold only in roadside stands or in buildings used for no other purpose. Such stands or buildings shall be permitted only in compliance with Title 11 BCC.
- C. Firework stands shall provide approved "no smoking" signs in red letters not less than two (2) inches in height on white background. All signs shall be maintained in legible condition.
- D. Smoking and the discharge of fireworks shall be prohibited within twenty-five (25) feet of any building or stand in which fireworks are sold at retail or stored after hours.
- E. Each retail fireworks location shall have not less than two (2) water-type extinguishers of not less than two and one-half gallon capacity, or the equivalent.
- F. There shall be at least two (2) exits from all booths or buildings from which fireworks are sold.
- G. There shall be no accumulation of dry grass, paper, cardboard, trash, lumber, or other combustibles within one hundred (100) feet of any retail fireworks outlet.
- H. Fireworks are not to be sold within one hundred (100) feet of any flammable or combustible liquid or liquid petroleum gas dispenser
- I. The temporary structure or stands used for the retail sale of fireworks shall be removed from the premises within one (1) week after July 6 of each year. Any stand or structure remaining beyond one (1) week, may be removed by order of the Fire Chief at the expense of the permittee or owner.
- J. All other rules and regulations of the State Fire Marshal relating to fireworks, Chapter 70.77 RCW State Fireworks Law, including, but not limited to rules and regulations adopted pursuant to Chapter 70.77 RCW shall be followed. (Ord. 528, June 1989.)

8.06.070 **Retail sales -- Fireworks list to be posted.** Notwithstanding RCW 70.77.575 and RCW 70.77.580, every retailer is required to post prominently at each retail outlet, a list of the fireworks that may be sold to the public under this chapter. The list is subject to approval by the Fire Chief and shall be submitted to the Fire Chief no later than May 31 of each year. (Ord. 528, June 1989.)

8.06.080 **Public display -- Permit application -- Permit Non-transferable.** The Fire Chief shall have the power to adopt reasonable rules and regulations for the granting of permits for supervised public display of

State allowed consumer fireworks or display fireworks. The application for permit for a public display of State allowed consumer fireworks or display fireworks shall be made in writing at least ten (10) days in advance of the display. The application shall be accompanied by a letter from the person legally responsible for the property on which such display is to take place. Such letter shall grant permission to the applicant for the use of said property. The application shall be accompanied by a copy of the applicant's public liability and property damage insurance policy providing coverage for the public display with minimum limits of \$1,000,000 per claim and \$2,000,000 aggregate. Any permit granted hereunder shall be non-transferable. (Ord. 865, November 2009; Ord. 528, June 1989.)

8.06.090 **Public display - Permit fee.** The fee for the display permit shall be that as provided in the current City Fee Schedule Resolution. (Ord. 671, June 1998.)

8.06.100 **Public Display—Rules and regulations.** The public display shall be of such character, and so located, discharged or fired that in the opinion of the Fire Chief, it shall be deemed not hazardous to property or endanger any person.

Every public display utilizing display fireworks shall be handled by an operator approved by the Fire Chief. Every operator of a public display utilizing display fireworks shall have first obtained a State license pursuant to RCW 70.77.355. (Ord. 865, 2009; Ord. 528, June 1989.)

8.06.110 **Appeal of Fire Chief's Decision.** Any applicant who has been refused a permit for public display or for retail sale of fireworks by the Fire Chief shall have the right to appeal the Fire Chief's decision to the Benton City Council. (Ord. 528, June 1989.)

8.06.120 **Special Permitted Uses -- Permit required.** No person may sell, use, or possess any of the following except with a permit and in the manner provided by law:

- A. "Special Fireworks" as defined in RCW 70.77.131 and WAC 212-17-040.
- B. "Agricultural and wildlife fireworks" as defined in RCW 70.77.141 and WAC 212-17-045.
- C. "Special effects" as defined in RCW 70.77.146. (Ord. 528, June 1989.)

8.06.130 **Prohibited Uses.** The manufacture of fireworks is prohibited except as provided in Title 11 BCC. (Ord. 528, June 1989.)

8.06.140 **Fireworks prohibited.** State allowed consumer fireworks may be used only as provided in BCMC 8.06.080, 8.06.090 and 8.06.100

above. Otherwise, no person may sell, use, or possess any of the following fireworks:

- A. Helicopter or aerial spinner - Tube not more than 1/2 (12.5mm) inside diameter and containing up to 20 grams of pyrotechnic composition. A propeller or blade is attached, which upon ignition, lifts the rapidly spinning device into the air. A visible or audible effect is produced at the height of flight.
- B. Mine or shell-heavy cardboard or paper tube up to 2 1/2 inches (63.5 mm) inside diameter attached to a wood or plastic base and containing up to 40 grams of pyrotechnic composition. Upon ignition, "stars" firecrackers, or other devices are propelled into the air. The tube remains on the ground.
- C. Sky Rocket - Tube not exceeding 1 1/2 inch (.12.5 mm) inside diameter that may contain up to 20 grams of pyrotechnic composition. Skyrockets contain a wooden stick for guidance and stability and rise into the air upon ignition. A burst of color or noise or both is produced at the height of flight.
- D. Missile-type Rocket - Device similar to a sky rocket in size, composition, and effect that uses fins rather than a stick for guidance and stability.
- E. Firecracker or Salute - Small paper-wrapped or cardboard tube, the external dimensions of which do not exceed 1 1/2 inches in length or 1/4 inch in diameter containing not more than 50 mg of pyrotechnic composition. Upon ignition, noise and a flash of light are produced.
- F. Chaser- Small paper or cardboard tube that travels along the ground upon ignition. A whistling effect or other noise is often produced. The explosive composition used to create the noise may not exceed 50 mg.
- G. Ground Spinner - Small device similar to a wheel in design and effect, and placed on the ground and ignited. A shower of sparks and color is produced by the rapidly spinning device.
- H. Roman Candle - Heavy paper or cardboard tube not exceeding 3/8 inch (9.5 mm) inside diameter and containing up to 20 grams of pyrotechnic composition. Upon ignition, up to ten (10) "stars" (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several second intervals.
- I. Smoke Device - Tube or sphere containing pyrotechnic composition that upon ignition produces white or colored smoke as the primary effect.
- J. Jumping Jacks - a small tube containing pyrotechnic composition that upon ignition, the tube will bounce around and produce a flash.

- K. Combination Items - Firework devices containing a combination of two or more of the effects described in WAC 212-17-198.
- L. Any firework devices which do not satisfy all the chemical content and construction requirements of WAC 212-17-050.
- M. Any fireworks larger, in terms of size or amount of pyrotechnic composition, than specified in this section. (Ord. 865, November 2009; Ord. 528, June 1989.)

8.06.150 **Minimum Age**. It shall be unlawful for any person or corporation to sell or give fireworks to anyone under the age of sixteen (16) years unless that person is under the immediate supervision of a responsible adult eighteen (18) years old or older. It shall be unlawful for a parent guardian or other person responsible for a child under the age of sixteen (16) years to allow that child to possess, use, discharge or transport any fireworks unless under the direct supervision of a responsible adult. (Ord. 528, June 1989.)

8.06.160 **Severability**. If any provision of this chapter is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the chapter and the applicability thereof to other persons and circumstances shall not be affected thereby. (Ord. 528, June 1989.)