

## Chapter 9.20

### FIREWORKS

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#### **9.20.010 Definitions.**

Unless the context in which they are used otherwise requires, the following definitions shall govern the construction of the terms found in this chapter:

- A. "Fireworks" means any composition or device, in a finished state, containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and classified as common or special fireworks.

- B. "Special Fireworks" includes any fireworks designed primarily for exhibition display by producing visible or audible effects. The term includes fireworks commonly known as skyrockets, missile type rockets, firecrackers, salutes and chasers and fireworks not classified as common fireworks.
- C. "Common Fireworks" means any fireworks designed primarily produce visible or audible effects by combustion.
1. The term includes:
    - a. Ground and hand held sparkling devices, including items commonly known as dipped sticks, sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, and flutter sparklers;
    - b. Smoke devices;
    - c. Fireworks commonly known as helicopters, aerial spinners, roman candles, mines and shells;
    - d. Class C explosives classified on January 1, 1 as common fireworks by the United States Department Transportation.
  2. The term does not include fireworks commonly know firecrackers, salutes, chasers skyrockets, and missile rockets.
- D. "Agricultural and Wildlife Fireworks" includes Fireworks devices distributed to farmers, ranchers, and growers through wildlife management program administered by the United States Department of the Interior.
- E. "Public Display of Fireworks" means an entertainment fez where the public is admitted or permitted to view the display discharge of special fireworks.
- F. "Fire Nuisance" means anything or any act which increases or may cause an increase of, the hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service of preventing, suppressing, or extinguishing fire; or which may obstruct, delay, or hinder, or may become the cause of any obstruction, delay or the hindrance to the prevention of or extinguishment of fire.
- G. "License" means a nontransferable formal authorization which the State Fire Marshal is permitted to issue under RCW Chapter [70.77](#) to engage in the acts specifically designated therein.
- H. "Permit" means the official permission granted by the City of George for the purpose of doing any act which is regulated by this ordinance.
- I. "Person" includes any individual, firm, partnership, joint venture, association, concern, corporation," estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.
- J. "Manufacturer" includes any person who manufactures, makes, constructs, fabricates, or produces any fireworks article or device but does not include persons who assemble or fabricate sets or mechanical pieces in public displays of fireworks.

- K. "Wholesaler" includes any person who sells fireworks to a retailer or any other person for resale and any person who sells special fireworks to public display permittees.
- L. "Retailer" includes any person who, at a fixed location or place of business, sells, transfers, or gives common fireworks to a consumer or user.
- M. "Pyrotechnic operator" includes any individual who by experience and training has demonstrated the required skill and ability for safely setting up and discharging public displays of fireworks.
- N. "Fire Chief" means the Chief Officer of the George Fire Department and/or his designee who shall be the local fire official for purposes of RCW [70.77](#).

### **9.20.020 Acts Prohibited Without a Permit.**

No fireworks, special fireworks, or common fireworks shall be discharged at any location within the limits of the geographic areas prohibited by the City council. At areas so designated, signs will be posted indicating such designation. The city park is hereby specifically designated as an area in which the discharging of fireworks is prohibited as specified in Chapter [11.30.050](#).

### **9.20.030 Application for Permit.**

- A. Any person desiring to do any act set forth in Section II shall first make written application for a permit to the Fire Chief. The application for a permit shall be signed by the applicant. If the application is made by a partnership, it shall be signed by each partner of the partnership, and if the application is made by a corporation, it shall be aimed by an officer of the corporation and bear the seal of the corporation. The application shall be in such form as the Fire Chief shall require and shall include, at a minimum, the following information:
1. The true name, address and telephone number of the applicant;
  2. A statement by the applicant that he or she is over the age of eighteen (18) years;
  3. A statement as to whether the applicant possesses a license issued by the State Fire Marshal to do the act for which the permit is sought, and the current status of the said license;
  4. The proposed location at which the applicant intends to perform the act for which the permit is sought; and
  5. Such other information as the Fire Chief may require in order to make any investigation or report required by this ordinance.
- B. All applications for permits pursuant to this chapter shall be accompanied by a non refundable permit fee of fifty dollars (\$50.00). The City Council hereby finds that this charge is necessary to cover the legitimate administrative costs for permit processing and inspection.

C. All applications for permits pursuant to this ordinance shall be accompanied by a certificate of insurance coverage evidencing the carrying of a comprehensive general liability insurance policy with a minimum coverage of \$500,000.00 and \$1,000,000.00 for bodily injury liability for each person and event, respectively, and not less than \$500,000.00 for property damage liability for each event. Such general liability policy shall name the City of George as an additional named insured, must be in full force and effect for the duration of the permit, and shall include a provision prohibiting cancellation of said policy without thirty (30) days written notice to the City. Said policy and certificate shall be in a form approved by the City Attorney.

D. Applications for public display of fireworks shall be made in writing at least ten (10) days in advance of the proposed display.

#### **9.20.040 Investigation, Report on Permit Application.**

It shall be the duty of the Fire Chief to make an investigation and prepare a report of his findings and conclusions for or against the issuance of the permit, together with his reasons therefor. In the case of an application for a permit for a public display of fireworks, the Fire Chief shall, in addition to any other investigation, make an investigation as to whether such display as proposed will be of such a character and will be so located that it may be hazardous to property or dangerous to any person.

#### **9.20.050 City Council may Grant or Deny Permit Conditions.**

The City Council shall have the power to grant or deny any application for a permit, or to subject the same to such reasonable conditions, if any, as it shall prescribe. Applications for permits must be received prior to May 1st of each year.

#### **9.20.060 License Required Prior to Issuance of Permit.**

No permit shall be issued unless the person applying therefor shall first have obtained and have in full force and effect a valid license issued by the State Fire Marshal, pursuant to RCW [70.77](#), to do the particular act or acts for which the permit is sought.

A. *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 which may be issued pursuant to this ordinance shall not exceed one permit for each 1500 residents of the City of George, according to the last official census or the last estimate of the State Census Board.

B. *Number of retail outlets limited Transfer of permit prohibited.* A permit granted pursuant to this chapter shall entitle the permittee to maintain only one retail outlet. All permits issued pursuant hereto shall be used only by the designated permittee and shall be nontransferable. Any transfer or purported transfer of such a permit shall be deemed a violation of this ordinance.

C. *Permits granted to first qualified applicants.* In the event there are more applications for permits than there are permits available, then permits shall be granted in the following manner:

1. Any person, firm or corporation having been issued a permit for the year prior to the making of the application shall be entitled to renew said permit, said renewal applications to be issued to those persons first applying therefor who meet all the necessary qualifications and requirements.
2. Any permits remaining shall be granted to those first applying.

### **9.20.070 Public Display Permit Granted for Exclusive Purpose Nontransferable.**

If a permit for the public display of fireworks is granted, the sale, possession and use of fireworks for the public display is lawful for that purpose only. No such permit granted shall be transferable.

### **9.20.080 Supervision of Public Displays.**

Every public display of fireworks shall be handled or supervised by a pyrotechnic operator approved by the Fire Chief.

### **9.20.090 Permit Authorizes Activities of Salesmen, Employees.**

The authorization to engage in the particular act or acts as conferred by a permit to a person shall extend to salesmen and other employees of such person that are eighteen (18) years of age or older.

### **9.20.100 Dates and Time Common Fireworks May be Sold or Discharged.**

No common fireworks shall be sold or discharged within the City of George except from 12:00 noon on the 28th of June to 12:00 noon on the 6th of July of each year. No common fireworks shall be sold except from 12:00 noon until 9:00 P.M. on weekdays, and from 10:00 A.M. until 9:00 P.M. on Saturdays and Sundays. No common fireworks may be discharged between the hours of 11:00 P.M. and 9:00 A.M.

### **9.20.110 Sales of Common Fireworks.**

No person shall sell common fireworks to a consumer or user thereof other than at a fixed place of business of a retailer for which a license has been issued.

### **9.20.120 All Sales to be From Temporary Stands.**

All sales of common fireworks shall be from temporary stands, which shall not be erected prior to the 18th day of June of any year and which shall be removed or torn down not later than the 16th of July of the same year.

### **9.20.130 Standards for Fireworks Stands.**

The fireworks stands of all those persons engaging in the sale of common fireworks pursuant to a permit issued under this ordinance shall conform to the following minimum standards and conditions:

- A. Fireworks stands shall comply with all provisions of the building code and shall be constructed in such a manner so as not to endanger the safety of attendants and patrons.
- B. No fireworks stand shall be located within fifty (50) feet of any other building or structure, or closer than 25 feet from any sidewalk.
- C. Each fireworks stand must have at least two exits which shall be unobstructed at all times, and doors to swing out.
- D. Each fireworks stand shall have in a readily accessible place, at least two fire extinguishers approved by the Fire Chief, one to be 2 1/2 gallon water extinguisher and the other to be 2A 10BC.
- E. All weeds, grass and combustible material shall be cleared from the location of the fireworks stand and the surrounding area a distance of not less than twenty (20) feet, measured from the exterior walls on each side of the fireworks stand.
- F. No smoking shall be permitted in or near a fireworks stand, and the same shall be posted with a sign, 2" high red letters on white background indicating: "No Smoking within 25 feet".
- G. Each fireworks stand shall have an adult in attendance at all times that the stand is stocked. Stock from the stand shall not be removed or stored, in any other building during the sales period without the express written approval of the Fire Chief.
- H. No fireworks stand shall be located within a radius of five hundred feet (500') from any other stand.
- I. Each fireworks stand shall have provision for sufficient off street parking, in the opinion of the Fire Chief, to avoid impeding continuous flow of traffic at entrances and exits from the premises, and will provide barricades, ropes or other similar means to prevent vehicles from parking within 25 feet of the fireworks stand.
- J. Each fireworks stand shall post prominently a list of fireworks that may be sold to the public.
- K. No fireworks shall be discharged within 100 feet of the fireworks stand.

**9.20.140 Fire Nuisance Where Fireworks Kept Prohibited.**

No person shall allow any rubbish to accumulate in any premises where any fireworks are sold or stored or permit a fire nuisance to exist on such premises.

**9.20.150 Approved Storage Facilities Required.**

It shall be unlawful for any person to store unsold stocks of fireworks remaining unsold after the lawful period of sale as provided in his permit except in such places of storage as the Fire Chief shall approve. Unsold stocks of fireworks remaining after the authorized retail sales period from 12:00 noon on June 28th to 12:00 noon on July 6th shall be returned on or before July 31st of the same year to the approved storage facilities of a licensed fireworks wholesaler, to a magazine or storage place approved by the Fire Chief or to a place approved by the State Fire Chief. Upon receiving a written application at least ten days prior to the date of proposed storage, the Fire Chief shall investigate whether the character and location of the storage would constitute a hazard to any property or be dangerous to any person. Based upon the investigation, the Fire Chief may grant or deny any application for storage or to subject the same to such reasonable conditions, if any, as he shall prescribe.

**9.20.160 Unlawful Possession.**

The possession of any class or kind of fireworks in violation of the provisions of this chapter is prohibited.

**9.20.170 Sales or Transfers of Special Fireworks.**

No person shall sell or transfer any special fireworks to any person who is not a fireworks permittee as provided by this ordinance.

**9.20.180 Manufacture or Sale of Fireworks for Out of State Shipment.**

This ordinance does not prohibit any manufacturer, wholesaler, dealer, or jobber, having a license issued by the State Fire Marshal and a permit secured under the provisions of the ordinance from manufacturing or selling any kind of fireworks for direct shipment out of this state.

**9.20.190 Special Effects for Entertainment Media.**

This ordinance does not prohibit the assembling, compounding, use or display of special effects of whatever nature by a person engaged in the production of motion pictures, radio, or television productions, theatricals or

operas when such use and display is a necessary part of the production and such person possesses a valid permit issued by the City of George to purchase, possess, transport or use such fireworks.

### **9.20.200 Non prohibited Acts Signal Purposes.**

This ordinance does not prohibit the use of flares or fuses in connection with the operation of motor vehicles, railroads, or other transportation agencies for signal purposes or illumination.

### **9.20.210 Revocation or Suspension of Permit.**

A. *Authority.* The Fire Chief may at any time suspend or revoke any permit issued under the provisions of this ordinance, if the permittee has:

1. Violated any of the provisions of this ordinance by the person holding such permit or any of his agents or employees;
2. Made any false statement or misrepresentation of fact in connection with obtaining the permit; or
3. Failed to obtain or has had any license required by the State of Washington to engage in any act prohibited by RCW [70.77](#) or this ordinance to be done without a license, suspended or revoked; or
4. Has had any insurance coverage required by this ordinance canceled, revoked or lapsed.

B. *Effective Date of Revocation.* When the Fire Chief determines that there is cause for revoking or suspending any permit issued pursuant to this ordinance, the Fire Chief shall notify the person holding such permit. The notice shall specify the grounds for the suspension or revocation of the permit. The suspension or revocation shall become effective immediately upon receipt of the notice by the permittee.

C. *Appeal.* The decision of the Fire Chief with respect to the revocation or suspension of any permit issued under this chapter shall be final. Any permittee whose permit is suspended or revoked may appeal the decision of the Fire Chief to the City Council by filing such appeal within ten (10) days of the date of the final decision of the Fire Chief. This shall be the exclusive remedy of any permittee under this ordinance.

### **9.20.220 Reckless Discharge or Use Prohibited.**

It is unlawful for any person to discharge or use fireworks in a reckless manner which creates a substantial risk of death or serious physical injury to another person or damage to the property of another.



### **9.20.230 Violation Civil Penalty.**

Any person violating any provision of this ordinance shall be deemed to have committed a misdemeanor.

(Chapter 9.20 adopted as Ordinance 171 September 16, 1985)

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**The George Municipal Code is current through Ordinance 2022-02, passed June 21, 2022.**

Disclaimer: The City Clerk/Treasurer's office has the official version of the George Municipal Code. Users should contact the City Clerk/Treasurer's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.cityofgeorge.org](http://www.cityofgeorge.org)

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