

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Watts/Reeves		6/92		5/25/93	Council/Intro
Division Head:				6/8/93	Council-hearing
Dept. Head:					
Prosecutor:	D.G.	5/20/93			
Purchasing/Budget:					
Executive:					

**SUBJECT:**

Ordinance revising Chapter 5.20 of the Whatcom County Code regarding fireworks permits

**ATTACHMENTS:**

Ordinance

**SUMMARY STATEMENT:**

*Please complete sections of box as appropriate & explain the item below.*

Related County contract #:	Should Clerk schedule a hearing? NO / / YES /xx/ Requested date: 6/1/93
Amount budgeted for this item/project: \$	Is it (or will it be) within budget? YES / / NO / / (Please explain below)
Budget line item number(s):	

Last year Chief Civil Deputy Prosecutor Randy Watts suggested that the Council change the language in Chapter 5.20 of the County Code to bring terms up to date (some parts still referred to County Commissioners) and to make reference to the appropriate related section of the Revised Code of Washington. The Council may wish to seek formal input from the Fire Marshal and the Sheriff. Informally they have expressed no objection to the change, although there may be some disagreement over who should issue the permits.

**ORIGINATOR'S RECOMMENDED ACTION:**

Recommend adoption following the public hearing.

**COMMITTEE ACTION TAKEN:**

**COUNCIL ACTION TAKEN:**

5/25/93: Introduced

6/8/93: Council adopted the ordinance with amendments. 7-0.

SPONSORED BY: Consent

PROPOSED BY: Prosecutor/Clerk

INTRODUCTION DATE: 5/25/93

1 ORDINANCE NO. 93-027

2 REVISING CHAPTER 5.20 OF THE WHATCOM COUNTY  
3 CODE, FIREWORKS PERMITS  
4

5 WHEREAS, Chapter 5.20 of the Whatcom County Code regarding the permitting  
6 of fireworks has not been updated in many years; and  
7

8 WHEREAS, in that Chapter reference is made to the Board of County  
9 Commissioners, a body that no longer exists in Whatcom County government; and  
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11 WHEREAS, Chief Civil Deputy Prosecutor Randy Watts recommended that this  
12 Chapter be amended to update the language and to make reference to the appropriate  
13 related section of the Revised Code of Washington; and  
14

15 WHEREAS, it is desirable to have this ordinance adopted and in place as far in  
16 advance of July 4, 1993 as possible;  
17

18 NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that  
19 Chapter 5.20 of the Whatcom County Code shall be amended as shown in Exhibit A,  
20 attached to this Ordinance.  
21

22 ADOPTED this 8th day of June, 1993.  
23

24 ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

25  
26  
27 Ramona Reeves  
28 Ramona Reeves, Council Clerk

Marge Laddlaw  
Marge Laddlaw, Council Chair

29  
30  
31 APPROVED as to form & content: <sub>26</sub>

() Approved ( ) Denied

32  
33 Daniel L. Gibson  
34 Civil Deputy Prosecutor

Shirley Van Zanten  
Shirley Van Zanten, Executive  
Date: 6/9/93

Chapter 5.20

FIREWORKS

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5.20.010 Permit--Required. It is unlawful to sell, transfer, contract to sell or transfer, or accept orders for the sale or transfer of any fireworks within the unincorporated areas of Whatcom County without a valid permit as provided in this chapter ~~and under county code title 15.16.~~

5.20.020 Permit--License required. No permit shall be granted unless the applicant has obtained, and has in force, a valid and subsisting license as required by ~~Chapter 228, Section 37, of the Laws of the State of Washington 1961. (RCW 70.77.305) Section 70.77 of the Revised Code of Washington.~~

5.20.030 Permit--Application. Any adult person desiring to do any act provided in Section 5.20.010 may make written application for a permit to the ~~board of county commissioners of~~ Whatcom County ~~sheriff~~ ~~fire marshal~~ at least ten days prior to the effective date of such permit.

5.20.040 Application--requirements. The application for permit must be signed by the applicant ~~if an individual; by each partner if applicant is a partnership; and by an officer of the corporation, and bear the corporate seal, if the applicant is a corporation.~~ Each application must be accompanied by proof of a valid and existing license as ~~provided required~~ in Section 5.20.020.

5.20.050 Permit--Application--Investigation--Power to restrict or deny. A. Each application for permit shall be referred to the ~~chief fire prevention officer of the county, or to the county sheriff, or such other person as may be designated by the board of county commissioners, or, at the discretion of the board of county commissioners, to then local state fire marshal or his deputy, for investigation and report~~ ~~investigated and reviewed by the fire marshal.~~

B. The ~~board of county commissioners of~~ Whatcom County ~~fire marshal~~ expressly reserves the power, in ~~its~~~~his/her~~ discretion, to deny such application, or to grant it subject to reasonable restrictions or conditions as ~~it~~~~he/she~~ shall prescribe for public safety or welfare.

5.20.060 Permit--Fee. Each application for permit must be accompanied by an annual permit fee ~~in the sum of ten dollars.~~ ~~as set forth in section 15.16.050 of this code.~~

5.20.070 Permit--Termination. Each permit granted under the provisions of this chapter is expressly issued subject to the condition that it shall automatically and forthwith cease and terminate coincidentally with the revocation or termination of the state license mentioned in section 5.20.020.

1           5.20.080 Permit--Location requirements. A permit shall be required for each and  
2 every separate location or place of business, or delivery point at which fireworks are  
3 transferred, sold, or delivered to purchasers.  
4

5           5.20.090 Period of sale. Fireworks may only be sold or offered for sale under this  
6 chapter from ~~twelve~~ noon on the twenty-eighth of June to ~~twelve~~ 12:00 noon on the sixth  
7 day of July during the year for which the permit has been issued. ~~No sales will be made~~  
8 ~~between the hours of 11 p.m. And 8 a.m. on any day.~~  
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10           5.20.100 Seizure. Any fireworks which are illegally sold, offered for sale, used,  
11 discharged, or possessed in violation of this chapter shall be subject to seizure by the state  
12 fire marshal, his deputy, the sheriff, or his deputy. Any fireworks seized under the provisions  
13 of this section will be delivered to the state fire marshal or his deputy for disposition as  
14 provided under RCW 70.77.435.  
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16           5.20.110 Illegal sale. No person shall sell or transfer any fireworks to a customer or  
17 user thereof other than at the fixed place of business for which a license and permit have  
18 been issued.  
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20           5.20.120 Fire nuisance prohibited. No person shall allow any rubbish to accumulate  
21 in any premises where any fireworks are stored or kept for sale or transfer, nor permit any  
22 other act at the licensed premises which constitutes a fire nuisance.  
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24           5.20.130 ~~Violation -- Penalties~~~~Each day a separate offense. Each day during which~~  
25 ~~any act prohibited by this chapter occurs is a separate and distinct violation of this chapter,~~  
26 ~~and offenders are subject to punishment therefor as a separate offense. Violations of this~~  
27 ~~chapter shall be defined as in county code section 15.16.070, and shall be subject to the~~  
28 ~~same penalties as stipulated therein.~~  
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30           5.20.140 ~~Violation -- Penalties.~~ ~~Each violation of this chapter is a misdemeanor, and,~~  
31 ~~upon conviction, violators may be punished by a fine of five hundred dollars, or by~~  
32 ~~imprisonment in the county jail for a period not to exceed six months, or by both such fine~~  
33 ~~and imprisonment.~~  
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36 RR  
37 g:\ord\firewks1.ord, 6/08/93