

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1774

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, AMENDING SECTIONS 8.12.030, 8.12.040, 8.12.050, 8.12.110, 8.12.120, 8.12.140, 8.12.240, 8.12.260 AND 8.12.280 OF THE FIFE MUNICIPAL CODE, REGARDING FIREWORKS

WHEREAS, in order to be consistent with state fireworks law codified in Chapter 70.77 RCW, it is necessary to amend FMC Chapter 8.12 to change certain outdated terms and references; and

WHEREAS, none of the changes to FMC 8.12 to in this ordinance are more restrictive than state law; now, therefore

THE CITY COUNCIL OF THE CITY OF FIFE, WASHINGTON
DO ORDAIN AS FOLLOWS:

Section 1. Section 8.12.030 of the Fife Municipal Code is hereby amended to read as follows:

8.12.030 Dangerous fireworks – Determination – Prohibited.

It is unlawful for any person to sell, possess, use or explode any dangerous fireworks within the city. Any item of fireworks which is not classified as consumer fireworks as defined by RCW 70.77.136 shall be deemed dangerous and is prohibited by this chapter unless a permit has been obtained for an exhibition display.

Section 2. Section 8.12.040 of the Fife Municipal Code is hereby amended to read as follows:

8.12.040 Days and hours of sale.

No licensee shall sell at retail or offer for sale any consumer fireworks authorized to be sold herein within the city, except from 12:00 noon to 11:00 p.m. on the twenty-eighth of June, from 9:00 a.m. to 11:00 p.m. on each day from the twenty-ninth of June through the fourth of July, from 9:00 a.m. to 9:00 p.m. on the fifth of July, from 12:00 noon to 11:00 p.m. on each day from the twenty-seventh of December through the thirty-first of December of each year, and as provided in RCW 70.77.311.

Section 3. Section 8.12.050 of the Fife Municipal Code is hereby amended to read as follows:

8.12.050 Use regulations – Exceptions.

No person shall use or discharge any fireworks within the city except each day between the hours of 12:00 noon and 11:00 p.m. on the twenty-eighth of June and between the hours of 9:00 a.m. and 11:00 p.m. on the twenty-ninth of June to the third of July, and on July 4th between the hours of 9:00 a.m. and 12:00 midnight, and between the hours of 9:00 a.m. and 11:00 p.m. on July 5th, and from 6:00 p.m. on December 31st until 1:00 a.m. on January 1st of the subsequent year, and as provided in RCW 70.77.311; provided, that this prohibition shall not apply to (1) duly authorized public displays where the same are authorized pursuant to the laws of the state of Washington, and (2) testing conducted by fireworks wholesalers when said testing is conducted in compliance with guidelines established by the fire marshal.

Section 4. Section 8.12.110 of the Fife Municipal Code is hereby amended to read as follows:

8.12.110 Liability and property damage insurance required.

The applicant shall procure and maintain a policy or policies of public liability and property damage insurance in a company or companies approved by the city in the following amounts: not less than fifty thousand dollars and five hundred thousand dollars for bodily injury liability for each person and occurrence, respectively, and not less than fifty thousand dollars for property damage liability for each occurrence, unless such insurance is not readily available from at least three approved insurance companies. If insurance in this amount is not offered, coverage shall be in the maximum amount offered by at least three different approved insurance companies.

Section 5. Section 8.12.140 of the Fife Municipal Code is hereby amended to read as follows:

8.12.140 All sales from temporary stands.

All consumer fireworks shall be sold only from temporary stands.

Section 6. Section 8.12.240 of the Fife Municipal Code is hereby amended to read as follows:

8.12.240 Applicability – Restrictions and limitations.

The provisions of this chapter shall apply to the sale of all consumer fireworks, as defined by RCW 70.77.136.

Section 7. Section 8.12.260 of the Fife Municipal Code is hereby amended to read as follows:

8.12.260 Chapter in addition to state law.

This chapter is intended to implement Chapter 70.77 RCW, as amended, and shall be construed in connection with said, as amended and any and all rules or regulations issued pursuant thereto.

Section 8. Section 8.12.280 of the Fife Municipal Code is hereby amended to read as follows:

8.12.280 Storage of fireworks – Regulations adopted.

Pursuant to RCW 35.21.180, the following sections of WAC are hereby adopted by reference: WAC 212-17-435, 212-17-440 and 212-17-445.

Section 9. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof provided the intent of this Ordinance can still be furthered without the invalid provision.

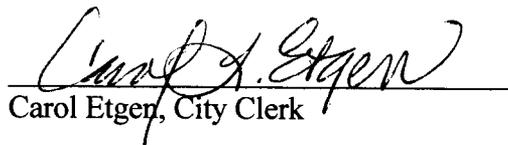
Section 10. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced the 8th day of May 2012.

Passed by the City Council on the 8th day of May 2012.


David K. Zsbell, City Manager

ATTEST:


Carol Etger, City Clerk

Ordinance No. 1774

Page 3 of 4

APPROVED AS TO FORM:



Loren D. Combs, City Attorney
Assistant City Attorney

Published: May 11, 2012
Effective Date: May 16, 2012