

ORDINANCE NO. 2155
AN ORDINANCE OF THE CITY OF RITZVILLE, WASHINGTON AMENDING
CHAPTER 2.28 FIREWORKS OF THE RITZVILLE CITY CODE.

WHEREAS, there is a need for amendment to Chapter 2.28 Fireworks of the Ritzville City Code to address fire danger; and

WHEREAS, the City Council held a public hearing on September 21, 2021 for review and comment; and

NOW THEREFORE, the City Council of the City of Ritzville does ordain as follows:

Section 1. Ritzville City Ordinances 488 and 1092, Chapter 2.28 Fireworks of the Ritzville City Code, together with all ordinances or parts thereof from which said code originated, are hereby amended as follows:

Chapter 2.28

FIREWORKS

Sections:

- 2.28.010 Purpose of chapter.
- 2.28.020 Title.
- 2.28.025 Local fire official.**
- 2.28.030 Sales permit required.
- 2.28.040 Dangerous fireworks prohibited – Safe and sane fireworks.
- 2.28.050 Period when fireworks may be sold.
- 2.28.060 Period when fireworks may be used – Public displays.
- 2.28.070 Seller’s license – Terms and conditions.
- 2.28.080 Temporary fireworks stands.
- 2.28.090 Caps and sparklers exempt.
- 2.28.100 Chapter implements state law.
- 2.28.110 Enforcing officer – Revocation of permit for violations.
- 2.28.115 Emergencies-Restrictions on use.**
- 2.28.130 Effectiveness.**
- 2.28.120 Penalty for violations.

2.28.010 Purpose of chapter.

The purpose of this chapter is to provide a procedure for the granting of permits for the possession, sale, and discharge of “safe and sane fireworks” as classified by the State Fire Marshal, and to prohibit the possession, sale, or use of any other fireworks classified as dangerous by the State Fireworks Law (Chapter 70.77 RCW) or otherwise prohibited by ordinance of the city of Ritzville. (Ord. 488 § 1, 1962).

2.28.020 Title.

This chapter shall be known as the “Fireworks Ordinance of the City of Ritzville.” (Ord. 488 § 2, 1962).

2.28.025 Local fire official.

The Ritzville fire official is designated as the local fire chief for Ritzville, Washington, for the City of Ritzville pursuant to the State Fireworks Law.

2.28.030 Sales permit required.

It shall be unlawful for any person, firm, or corporation to engage in the retail sale of, or to sell any fireworks within the city of Ritzville without having first obtained a permit pursuant to the provisions of this chapter. (Ord. 488 § 3, 1962).

2.28.040 Dangerous fireworks prohibited – Safe and sane fireworks.

It shall be unlawful for any person to sell, possess, use or explode any dangerous fireworks within the city of Ritzville. Any item of fireworks which is not designated “common fireworks” and does not have the approval of the State Fire Marshal in conformity with RCW 70.77.136 (as amended by Chapter 249, Laws of 1984 of the state of Washington) shall be deemed dangerous and is prohibited by this section. (Ord. 734 § 2, 1984; Ord. 488 § 4, 1962).

2.28.050 Period when fireworks may be sold.

No licensee shall sell at retail, or offer for sale, any fireworks authorized to be sold herein within the city of Ritzville, except from 12:00 noon on the twenty-eighth day of June, to 12:00 noon on the fifth day of July of any year. (Ord. 488 § 5, 1962).

2.28.060 Period when fireworks may be used – Public displays.¹

No fireworks may be used or discharged except each day between the hours of 12:00 noon and 11:00 p.m. on June 28th and between the hours of 9:00 a.m. and 11:00 p.m. on June 29th to July 3rd, 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 or whichever is more restrictive. (Ord. 2100 § 1, 2016; Ord. 488 § 6, 1962).

2.28.070 Seller’s license – Terms and conditions.

A license for the sale of fireworks shall be issued only upon the following terms and conditions:

A. The applicant, if an individual, firm or corporation, must have been in business for at least one year prior to the date of application, and if the applicant is a nonprofit organization, it must have been in existence for at least one year prior to the date of application.

B. The applicant shall have a valid and existing license issued by the state of Washington, authorizing the holder thereof to engage in the fireworks business.

C. If the applicant intends to use a temporary fireworks stand, he must comply with the standards hereinafter set forth for temporary fireworks stands.

D. The applicant shall procure and maintain a policy of policies of public liability and property damage insurance in a company or companies approved by the city of Ritzville in the following amounts:

1. Fifty thousand dollars, or more, for injury to one person in any one accident or occurrence;
2. One hundred thousand dollars, or more, for injuries to two or more persons in any one accident or occurrence;
3. Five thousand dollars for damage to property for any one accident or occurrence. (Ord. 1092 § 55, 2005; Ord. 488 § 7, 1962).

2.28.080 Temporary fireworks stands.

The temporary stands of all permit holders shall conform to the following:

A. The minimum standards and conditions set forth by the State Fire Marshal under the State Fireworks Law hereinbefore cited.

B. An applicant who intends to use a temporary stand shall post with the city a performance bond or cash deposit in an amount not less than \$50.00 conditioned upon the prompt removal of the temporary stand and the cleaning up of all debris from the site of said temporary stand, which deposit shall be re- turned to the applicant only in the event that he removes the same and cleans up all debris to the satisfaction of the proper officials of the city of Ritzville. His failure to comply shall result in a forfeiture of the performance bond or cash deposit. In no event shall the permit holder be entitled to the return of said performance bond or cash deposit if he has failed to remove said temporary stand and clean up all debris by the tenth day of July of each year. (Ord. 488 § 8, 1962).

2.28.090 Caps and sparklers exempt.

The restrictions and limitations of this chapter shall not be applicable to the sale of toy caps and "sparklers." (Ord. 448 § 9, 1962).

2.28.100 Chapter implements state law.

This chapter is intended to implement Chapter 228, Laws of 1961 of the state of Washington (Chapter 70.77 RCW), and shall be construed in connection with said law and any and all rules or regulations issued pursuant thereto. (Ord. 488 § 10, 1962).

2.28.110 Enforcing officer – Revocation of permit for violations.

The fire chief of the city of Ritzville, or his duly authorized representative, is hereby designated as the enforcing officer of this chapter. Failure to comply with rules and regulations or requests of the said fire chief, or violation of this chapter, shall be grounds for a revocation of a fireworks permit. (Ord. 488 § 11, 1962).

2.28.115 Emergencies-Restrictions on use.

The fire chief, or his duly authorized representative, may prohibit the discharge of all fireworks during periods of extreme fire danger.

2.28.120 Penalty for violations.

Violation of Chapter 228, Laws of 1961 of the State of Washington (Chapter 70.77 RCW), or any rules or regulations of the State Fire Marshal, or the fire chief of the city of Ritzville, or the provisions of this chapter, such violation shall be punishable in accordance with RCC 1.02.010, General penalty. (Ord. 1092 § 56, 2005; Ord. 488 § 12, 1962).

2.28.130 Effectiveness

As per RCW 70.77.250, the ordinance codified in this chapter shall be effective one year after its date of passage by city council.

Section 2. Any other ordinance conflicting with this ordinance is hereby repealed.

Section 3. This ordinance shall take effect and be in full force 5 days after publication in the City's official newspaper of record and on year after its date of passage.

READ in open meeting. PASSED by unanimous vote of the City Council present, and, ORDERED PUBLISHED this 21st day of September 2021.

City of Ritzville

Linda Kadlec, Mayor

Attest:

Julie Flyckt, Clerk-Treasurer

Approved as to form:

John Kragt, City Attorney