

## CITY OF BELLEVUE, WASHINGTON

## ORDINANCE NO. 585

AN ORDINANCE relating to fires; repealing Article 13 of the Fire Prevention Code; providing for the issuance of permits for the sale of "safe and sane" fireworks; regulating the discharging thereof; providing penalties; and amending Ordinance No. 494 and Title 15 of Bellevue City Code.

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

Section 1. Ordinance No. 494 and Chapter 15.04 of Bellevue City Code are both hereby amended by adding thereto Section 15.04.012 which shall read as follows:

15.04.012 Amendments. The Fire Prevention Code is amended and changed in the following respects: Article 13, Fireworks, is deleted in its entirety.

Section 2. Title 15 of Bellevue City Code is hereby amended by adding thereto Chapter 15.08, Fireworks, and Section Nos. 15.08.010, 15.08.020, 15.08.030, 15.08.040, 15.08.050, 15.08.060, 15.08.065, 15.08.070, 15.08.080, 15.08.090, 15.08.100, 15.08.110, 15.08.120, 15.08.125, 15.08.130, 15.08.140, 15.08.150 and 15.08.160, which shall read as follows:

15.08.010 License 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 Bellevue without first having obtained a license pursuant to the provisions of this chapter.

15.08.020 License fee. The license fee for the sale of such fireworks as may be authorized hereunder, or may be authorized by the provisions of the laws of the State of Washington, shall be Ten Dollars (\$10.00) per annual authorized period, payable in advance.

15.08.030 Illegal to sell dangerous fireworks. It shall be unlawful for any person to sell, possess, use or explode any dangerous fireworks within the City of Bellevue. Any item of fireworks which does not bear a "Safe and Sane" registration or classification of the State Fire Marshal in conformity with Chapter 228, Laws of 1961 of the State of Washington, shall be deemed dangerous and is prohibited by this chapter.

15.08.040 Period during which sale is authorized. No licensee shall sell at retail or offer for sale any fireworks authorized to be sold herein within the City of Bellevue, except from 12:00 noon on the 28th day of June to 12:00 noon on the 5th day of July of any year.

15.08.050 Period during which discharge is authorized. No person shall use or explode any fireworks within the City of Bellevue except from 12:00 noon on the 28th day of June to 12:00 noon on the 5th day of July of any year; provided that this prohibition shall not apply to duly authorized public displays where the same are authorized pursuant to the laws of the State of Washington.

15.08.060 Number of licenses. The maximum number of licenses which may be issued pursuant to this chapter shall be six.

15.08.065 Licensees. Fireworks licenses shall be issued only to such applicants who meet the following qualifications:

- (a) non-profit charitable, religious or eleemosynary corporations or associations, organized and existing primarily for veteran, patriotic, religious, charitable or civic benefit purposes; and
- (b) which corporations or associations have their principal meeting place within the City, and which have been organized and established in the City for a period of at least one (1) year prior to the date application is made for a license hereunder.

15.08.070 Retail outlets. A license granted pursuant to this chapter shall entitle the licensee to maintain only one retail outlet. All licenses issued pursuant hereto shall be used only by the designated licensee and shall be nontransferable. Any transfer or purported transfer of such a license shall be deemed a violation of this title.

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

- a. The applicant shall have a valid and subsisting license issued by the State of Washington authorizing the holder thereof to engage in the fireworks business.
- b. The applicant shall own or have the right to possess a temporary fireworks stand complying with the standards hereinafter set forth for temporary fireworks stands.
- c. 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 of Bellevue in the following amounts: \$100,000 or more for injuries to any one person in one accident or occurrence; \$500,000 or more for injuries to two or more persons in any one accident or occurrence; \$50,000 for damage to property in any one accident or occurrence.
- d. The licensee's location or place of business shall be only in those areas or zones within the City of Bellevue zoned C-2, B-N, C-1 or B-1; provided that the sale of safe and sane fireworks shall not be deemed an enlargement of an existing nonconforming use.
- e. The applicant shall post with the City a performance bond or cash deposit in an amount not less than \$500.00, conditioned upon the prompt removal of the temporary stand and the cleaning up of all debris from the site of the temporary stand, which deposit shall be returned to the applicant only in the event that he removes said temporary stand and cleans up all debris to the satisfaction of the proper officials of the City of Bellevue. In the event of his failure so to do, said performance bond or cash deposit shall be forfeited to the City of Bellevue. In no event shall the applicant 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 12:00 noon on the 6th day of July following the authorized period.

15.08.090 Stands. All safe and sane fireworks except "toy caps" shall be sold only from temporary stands.

15.08.100 Construction of stands. The temporary stands of all licensees shall conform to the following minimum standards and conditions:

- a. Temporary fireworks stands need not comply with all provisions of the Building Code of the City of Bellevue, provided, however, that all such stands shall be erected under the supervision of the administrative official designated by the City Manager, who shall require all stands to be constructed in a safe manner, insuring the safety of attendants and patrons. In the event any temporary stand is wired for electricity, then the wiring shall conform to the Electrical Code of the City of Bellevue.

b. No open flame, whether for the purpose of lighting or otherwise, shall be permitted within a fireworks stand or within fifty feet thereof.

c. Each temporary fireworks stand shall have adjoining offstreet parking facilities sufficient for the parking of twenty-five automobiles according to the provisions of The Bellevue Comprehensive Zoning Ordinances. Such parking areas need not be paved, nor need they be lined, but otherwise shall meet the requirements of said zoning ordinances. Such offstreet parking shall be in addition to the offstreet parking required for the existing business on the site, if any.

d. No temporary fireworks stand shall be located within fifty feet of any other building or structure, nor within fifty feet of any gasoline station, oil storage tank or premises where flammable liquids are kept or stored.

e. Each temporary fireworks stand must have at least two exits, which shall be unobstructed at all times.

f. Each temporary fireworks stand shall have, in a readily-accessible place, a fire extinguisher duly approved in advance by the Fire Marshal of the City of Bellevue or his duly authorized representative.

g. All weeds, grass and combustible material shall be cleared from the location of the temporary fireworks stand and the surrounding area a distance of not less than fifty feet, measured from the exterior walls on each side of said temporary fireworks stand.

h. No smoking shall be permitted in or within fifty feet from a temporary fireworks stand, and the same shall be posted with proper "No Smoking" signs.

i. Each temporary fireworks stand shall have an adult in attendance at all times, twenty-four hours a day, while any fireworks are located therein. No child or children under the age of eighteen years shall be allowed inside any temporary fireworks stand.

j. All unsold stock, the temporary fireworks stand, and accompanying litter, shall be removed from said temporary fireworks stand by 12:00 noon on the 6th day of July following the authorized period.

15.08.110 Fireworks to which chapter applicable. The provisions of this chapter shall apply to the sale of all safe and sane fireworks, as defined by Chapter 288, Laws of 1961 of the State of Washington, except as to the sale of "toy caps." The restrictions and limitations of this chapter shall not be applicable to the sale of "toy caps."

15.08.120 Subject to ordinances of City. Except as specifically modified herein, all of the ordinances of the City shall apply to the holders of licenses for the sale of fireworks, to the temporary stands for, and the sale thereof.

15.08.125 Priority of licensees. Applications for licenses shall be presented to the City between the hours of 8:00 a.m. and 5:00 p.m. on the 6th day of June in each year. Licenses shall be issued on the following business day. In the event there are more applications for licenses from qualified corporations or associations than there are licenses available, then the issuance of licenses on said following day shall be determined publicly by lot from those who meet all the necessary qualifications and requirements. The application fee shall be returned to the unsuccessful applicants. Licenses shall be issued for each annual authorized period.

15.08.130 Construction of chapter. This chapter is intended to implement Chapter 228, Laws of 1961 of the State of Washington, and shall be construed in connection with said law and any and all rules or regulations issued pursuant thereto.

15.08.140 Enforcing officer. The City Manager of the City of Bellevue or his duly authorized representative is hereby designated as the enforcing officer of this chapter. In addition to all the grounds for revocation of licenses set forth in the general provisions of this title, any failure or refusal on the part of a licensee to obey any rule, regulation or request of the enforcing officer concerning the sale of fireworks shall be grounds for the revocation of a fireworks license.

15.08.150 Discharge of fireworks. No fireworks shall be lighted or discharged in or within fifty feet of a temporary fireworks stand.

15.08.160 Penalties. Any person, firm, association, corporation or other group, violating any of the provisions of this ordinance, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than \$250 or by imprisonment for not more than 90 days, or by both such fine and imprisonment; and such person, firm, association, corporation or other group, shall be guilty of a separate offense for each day during which he or it commits, continues, or permits a violation of any provision of this ordinance.

Section 3. An emergency exists, making the immediate passage of this Ordinance necessary for the preservation of public health, safety and general welfare in the City of Bellevue, and the same shall take effect immediately upon its passage, approval and publication.

PASSED by the City Council on this 4<sup>th</sup> day of June, 1963, and signed in authentication of its passage this 4<sup>th</sup> day of June, 1963.

*Scott McDermott*  
Scott McDermott  
Mayor

(SEAL)

Approved as to Form:

*Joseph S. Miller*  
Joseph S. Miller  
City Attorney

Attest:

*Jean S. Scholer*  
Jean S. Scholer  
City Clerk

FILED NO. 0255  
CITY OF BELLEVUE  
DATE June 4, 1963  
CITY CLERK *Jean S. Scholer*

Published June 6, 1963