Chapter 5.60

FIREWORKS

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5.60.010 Permit and state license required – Fee.

No person, firm or corporation shall import, manufacture, transport (except as a public carrier delivering to a licensee), possess, store, sell or offer to sell at retail or wholesale or discharge fireworks inside the city limits of the city of Port Orchard without first obtaining a permit from the city and a license from the state of Washington. The fee for obtaining a city permit shall be $100.00 per year payable in advance. (Ord. 038-08 § 2; Ord. 026-08 § 2; Ord. 1706 § 1, 1998).

5.60.015 Fireworks permits – Forms and deadlines.

1) Applications for permits required by this chapter shall be submitted in such form and detail as prescribed by the fire marshal. A separate application shall be required for each site and activity. Applications shall include, at a minimum:
(a) The application fee;
(b) Copy of appropriate state licenses;
(c) A site or discharge plan;
(d) The names, addresses and telephone numbers of the applicant(s) and responsible party(ies); and
(e) When applicable, a description of the proposed activity detailing how it satisfies the conditions set forth under POMC 5.60.020.

2) Permit applications shall be received by the city clerk for review by the South Kitsap Fire District:

(a) No later than 4:30 p.m. on the last official city work day in May for retail sales;
(b) No later than 4:30 p.m. at least 40 business days prior to the date of an intended public display; and
(c) Prior to commencing a permitted activity for all other uses.

3) Pursuant to RCW 70.77.280, the city council hereby designates the chief of the South Kitsap Fire District or his or her designee as the person with the authority to grant or deny permits that are sought pursuant to this chapter.

4) Permits issued pursuant to this chapter are nontransferable. (Ord. 038-08 § 3).

5.60.020 Conditions for sales of fireworks and public display – Permit issuance.

A permit for the sale of fireworks or for public display shall be issued only upon the following terms and conditions:

1) 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, a copy of which shall be filed with the city clerk’s office.

2) For sales of fireworks, the applicant shall obtain a business license from the city.

3) The applicant shall have and keep in full force and effect a policy of insurance approved by the city attorney saving the city harmless for any acts of the licensee in the following amounts: $500,000 or more for injury to any one person in one accident or occurrence, $1,000,000 for injury to more than one person for any one accident or occurrence, $300,000 for injury to property in any one accident or occurrence. Proof of insurance coverage shall be included with the application for a permit and shall be filed with the city clerk’s office.

4) For sales of fireworks, the location of the proposed place of business shall comply with the zoning ordinances of the city.

5) Applicant shall post a $50.00 deposit conditioned upon the prompt removal of the temporary stand and/or the cleaning up of all debris from the site. If the applicant removes such temporary stand and cleans up all the debris before the tenth day of July each year, he shall be entitled to the return of his $50.00 deposit.
5.60.030  Temporary stands.

All safe and sane fireworks shall be sold only from temporary stands and must conform to the written rules and regulations of the fire authority. (Ord. 1706 § 3, 1998).

5.60.040  Number of permits and stands.

(1) Fourth of July Holiday Period. Each permittee shall be issued a fireworks permit annually and is entitled to only one retail outlet. (Ord. 016-09 § 1; Ord. 038-08 § 5; Ord. 026-08 § 4; Ord. 1706 § 4, 1998).

5.60.050  Exploding fireworks legal period designated.

No person shall use or explode any fireworks within the city except from 11:00 a.m. to 11:00 p.m. on the fourth day of July of any year and except where public displays are authorized pursuant to the laws of the state of Washington. (Ord. 026-08 § 5; Ord. 1706 § 5, 1998).

5.60.060  Chapter supplementary to state law.

This chapter is intended to implement Chapter 70.77 RCW and shall be construed in connection with the law and any and all rules or regulations issued pursuant thereto. (Ord. 1706 § 6, 1998).

5.60.070  Violations – Penalty.

(1) Any person failing to comply with Chapter 70.77 RCW or any rules or regulations of the State Fire Marshal or the fire authority shall be guilty of a violation of this chapter.

(2) Any person violating any of the provisions or failing to comply with the mandatory requirements of this chapter shall be guilty of a misdemeanor. Any person convicted of a misdemeanor shall be punished by a fine not to exceed $1,000 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation or any provision of this chapter is committed, continued or permitted by any such person. (Ord. 1706 § 7, 1998).

5.60.080  Enforcement by fire authority.

The fire authority or his duly authorized representative is designated as the enforcing officer of this chapter. (Ord. 1706 § 8, 1998).