

Summary of Proposed Ordinance relating to the Sale and Use of Fireworks

This summary fulfills Washington State Growth Management Act and King County Code (K.C.C.) 20.18.100 requirements for a “plain language summary.”

King County is proposing changes to the King County Code to prohibit the retail sale and personal use of fireworks in unincorporated King County. If enacted, this ordinance will protect people and property from the unexpected, and sometimes fatal, consequences of burns and fires from fireworks. Public fireworks displays that receive the proper permits would still be allowed, as would the sale and use of trick and novelty devices. The following is a summary of a draft proposed ordinance addressing these code changes.

Ordinance Section	King County Code Section	Current Code	Proposed Change	Intent/Rationale
1	n/a	n/a	Establishes the purpose of the ordinance, which is to: <ul style="list-style-type: none"> prohibit the retail sale and use and discharge of fireworks without a permit; relocate where fireworks regulations are adopted in the King County Code; and establish regulations for public displays of fireworks. 	Outlines the goals and intent of the ordinance.
2	12.86.500	Establishes the sounds that are exempt from sound limitations and regulations, including the legal discharge of fireworks.	Updates code reference of where fireworks regulations are located in the King County Code.	Reflects proposed relocation of fireworks regulations in King County Code in this ordinance, as noted below in Section 15.
3	n/a	n/a	Establishes a new chapter in K.C.C. Title 17, which will be comprised of the regulations in Sections 4 through 9 of this ordinance.	Reflects proposed relocation of fireworks regulations in King County Code in this ordinance, as noted below in Section 15.
4	n/a	n/a	Establishes definitions for the fireworks chapter of K.C.C. Title 17.	For consistency, the ordinance proposes to rely on the already established fireworks definitions adopted in state law (Revised Code of Washington (RCW) and Washington Administrative Code (WAC)) and the International Fire Code.
5	n/a	n/a	<ul style="list-style-type: none"> States that fireworks must be permitted, licensed and regulated consistent with state law (RCW and WAC) and the International Fire Code, except as specified in this ordinance. 	<ul style="list-style-type: none"> For consistency, the ordinance proposes to rely on already established fireworks regulations adopted in state law and the International Fire Code.

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			<ul style="list-style-type: none"> Exempts sale and use of fireworks on tribal trust lands from the fireworks regulations in this ordinance. 	<ul style="list-style-type: none"> Reflects sovereign nation status of tribal lands.
6	n/a	n/a	<ul style="list-style-type: none"> Establishes rights of the King County fire marshal to permit and regulate fireworks. Establishes rights of the King County Sheriff to enforce the fireworks regulations in King County Code. 	<p>As with current code (K.C.C. 6.26.040), the fire marshal would continue to be responsible for implementing fireworks regulations and the Sheriff would continue to be responsible for enforcing the fireworks regulations.</p>
7	n/a	n/a	<ul style="list-style-type: none"> Prohibits the retail sale, use, and discharge of fireworks in unincorporated King County. For public displays of fireworks: <ul style="list-style-type: none"> They are allowed if they receive a King County permit in addition to any other permits or licenses required by the state and/or the International Fire Code. Permits must be received at least 20 days before the date of the public display. The fee for the permit is established in K.C.C. Title 27. Requires adequate traffic control and crowd protection for any display. The Sherriff may be contracted to provide such services, and payment must be at least the actual expense for the County to provide the service. Requires fireworks discharges to be supervised by a licensed pyrotechnic operator. Requires a bond of \$1M or certificate of comprehensive liability insurance of \$1M. Requires a \$150 cash deposit at least 20 days before the date of the display. 	<ul style="list-style-type: none"> The ordinance would prohibit the retail sale and use and discharge for fireworks in unincorporated King County. This change is proposed to remove both the supply and demand for fireworks in unincorporated communities, as fireworks pose public health, safety and welfare risks to King County residents. For consistency, the ordinance proposes to rely on the already established fireworks definitions adopted in state law. Using on the definition of “fireworks” in RCW 70.77.126, novelty and trick devices (as defined by WAC 212-17-025 and includes devices such as party poppers and snappers) would continue to be allowed for sale and use. All other fireworks, including sparklers, would be prohibited for sale and use. State law considers sparklers the same as other consumer fireworks, such as ground spinners, cone fountains, and roman candles. Sparklers can be just as hazardous as other consumer fireworks when used by non-professionals, given that they burn at very high temperatures – about 2000 degrees Fahrenheit, which is as hot as a blow torch.¹ For public displays of fireworks: <ul style="list-style-type: none"> As with current code (K.C.C. 6.26.080), public displays of

¹ United States Consumer Product Safety Commission <https://cpsc.gov/Newsroom/News-Releases/2019/CPSC-Reminds-Consumers-to-Celebrate-with-Safety-This-Fourth-of-July-Season>

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				<p>fireworks would continue to be allowed if approved via a permit.</p> <ul style="list-style-type: none"> ○ As with current code, (K.C.C. 6.26.080), the deadline for submitting a permit application for a public fireworks display would be 20 days before the event. ○ As with current code (K.C.C. 6.26.080), displays would continue to be required to ensure adequate traffic control and crowd protection. The ordinance would also continue to allow the Sheriff to provide such services with appropriate compensation. ○ As with current code (K.C.C. 6.26.080), supervision by a licensed pyrotechnic operator would be required. ○ As with current code (K.C.C. 6.26.080), protection from damages to persons or property must be provided via a bond or insurance of \$1M. ○ As with current code (K.C.C. 6.26.080), a \$150 deposit would continue to be required to provide for costs of site clean-up. The deadline for submitting the deposit would be reduced from 30 days before the event to 20 days before the event. This change is proposed to require the deposit to be submitted at the same time as the permit application.
8	n/a	n/a	Allows the fire marshal to prohibit public displays in the event of drought or other fire hazard conditions.	As with current code (K.C.C. 6.26.030), the County would continue to be allowed to address threats to public health, safety, and welfare by prohibiting the use of all fireworks, including public displays. Currently, the County Executive can make this determination via executive order. The ordinance proposes to allow the fire marshal to make the determination in

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				consultation with the fire districts in the County. This change is proposed to allow for a more streamlined declaration process in the face of time-sensitive threats to public safety.
9	n/a	n/a	<p>Establishes the penalties for violation of the regulations in the ordinance, including:</p> <ul style="list-style-type: none"> • A violation is a misdemeanor punishable by law. • A violation of either the ordinance or state law is also subject to civil penalties up to \$1,000 per violation. • A violator is also responsible for any costs incurred to enforce the regulations, including bringing civil action, court costs, and attorney's fees. • Civil penalties will be assessed as set in K.C.C. Title 23. • Each day that a person violates the regulations is a separate offense. 	<ul style="list-style-type: none"> • As with current code (K.C.C. 6.26.110), violations of fireworks regulations in King County Code would be misdemeanor. • As with current code (K.C.C. 6.26.110), violations may be subject to civil penalties. Current code allows civil penalties as an alternative to criminal penalties. The ordinance proposes that both criminal and civil penalties may be pursued. Civil penalties could also be pursued for violations of either County or state law; current code is only specific to County laws. The maximum financial penalty would be increased from \$250 per violation to \$1000 per violation. This change is proposed to align with the maximum amount allowed under state law (RCW 70.77.250). • Cost recovery for the County pursuing civil action would also be allowed. Whereas, current code does not allow this. These costs are in addition to the maximum \$1000 civil penalty. • As with current code (K.C.C. 6.26.110), K.C.C. Title 23 would continue to regulate pursuit of civil penalties. • As with current code (K.C.C. 6.26.110), each day that a person violates the regulations would continue to be a separate offense punishable under this section.
10	20.22.040	Allows the Hearing Examiner to issue final decisions on certain appeals, including appeals of the fire marshal's decisions on fireworks permits.	Updates code reference of where fireworks regulations are located in the King County Code.	Reflects proposed relocation of fireworks regulations in King County Code in this ordinance, as noted below in Section 15.
11	21A.08.040	In the Recreational/Cultural Land Use table, establishes certain amusement and recreation services as allowed uses, which	<p>Fireworks display services are:</p> <ul style="list-style-type: none"> • not a conditional use in the RA, UR, R1-8, and R12-48 zones; and 	Allowed amusement and recreation services are those established in SIC 7999 (Amusement and Recreation Services, Not

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		includes fireworks display services as a conditional use in the RA (Rural Area), UR (Urban Reserve), R1-8 (Residential, one dwelling unit per acre, through Residential, eight dwelling unit per acre), and R12-48 (Residential, 12 dwelling units per acre, through Residential, 48 dwelling units per acre) zones.	<ul style="list-style-type: none"> regulated only as permitted in this ordinance. Includes other technical corrections.	Elsewhere Classified). Condition 14 in K.C.C. 21A.08.040 states that allowed “amusement and recreation services” are only those that are not elsewhere classified in K.C.C. Chapter 21A.08. Condition 15 allows “amusement and recreation services” not elsewhere classified in K.C.C. Chapter 21A.08 as conditional uses in the RA, UR, R1-8, and R12-48 zones. SIC 7999 includes the “fireworks display service” use. This is a use that is not elsewhere classified in K.C.C. Chapter 21A.08. Therefore, under current code, a fireworks display service is allowed as a conditional use in the aforementioned zones. This is inconsistent with the proposed regulations in this ordinance. Rather than addressing public display services via the use tables, the proposed regulations of this ordinance will govern the permitting of it.
12	21A.32.110	Establishes uses that are exempt from the requirements for temporary use permits, including fireworks stands.	Removes fireworks stands as a use exempt from temporary use permits. Includes other technical corrections.	Reflects proposed prohibition on fireworks retail sales in this ordinance, as noted above in Section 7.
13	27.10.360	Sets permit fees for fireworks permits, including fireworks stands and fireworks displays.	Removes fee for fireworks stands permits.	Reflects proposed prohibition on fireworks retail sales in this ordinance, as noted above in Section 7.
14	27.10.580	Sets certain additional permit fees, including charging overtime for required after-hours inspections. After-hours inspections for fireworks stands and fireworks displays are exempt from charging overtime.	Removes reference to firework stand inspections.	Reflects proposed prohibition on fireworks retail sales in this ordinance, as noted above in Section 7.
15	6.26.010 6.26.020 6.26.030 6.26.040 6.26.050 6.26.060 6.26.070 6.26.080 6.26.090 6.26.100 6.26.110 6.26.115	As part of K.C.C. Title 6 (Business Licenses and Regulations), establishes fireworks regulations.	Repealed.	Reflects relocation of fireworks regulations in King County Code as proposed in this ordinance. Currently, fireworks regulations are located in K.C.C. Title 6, which is the business licenses and regulations code. The proposed ordinance would adopt the fireworks regulations in K.C.C. Title 17, which is the fire code. Given that this ordinance proposes to prohibit the retail sale of fireworks and to improve safety by regulating the use of fireworks, Title 17 is

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				the more appropriate place for fireworks regulations.
16	n/a	n/a	Severability.	Standard King County severability language.