



City of Arlington Council Agenda Bill

Item:
NB #3
Attachment
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COUNCIL MEETING DATE:	
May 18, 2020	
SUBJECT:	
Proposed Revisions to AMC Title 15.16 Regarding Fireworks	
ATTACHMENTS:	
Ordinance; Proposed Revision to AMC Title 15.16 (Fireworks) redlined and clean versions; Election Summary Report	
DEPARTMENT OF ORIGIN	
Administration; Paul Ellis, City Administrator – 360-403-4603	
EXPENDITURES REQUESTED:	None
BUDGET CATEGORY:	N/A
LEGAL REVIEW:	
DESCRIPTION:	
Attached is a proposed amendment to the Arlington Municipal Code banning consumer fireworks. State law requires a 365-day period prior to the proposed ban's effective date. This will not take effect until one year after its adoption under state law.	
HISTORY:	
A resolution was approved by the City Council on August 5, 2019, requesting an advisory vote be added on the November 5, 2019 ballot seeking citizen input regarding the banning of the possession, sale and discharge of fireworks except for state regulated public displays of fireworks within the City of Arlington. The advisory measure passed 50.70%.	
ALTERNATIVES	
Do not pass.	
RECOMMENDED MOTION:	
I move to approve the ordinance amending and repealing sections of Arlington Municipal Code Chapter 15.16 pertaining to the banning of fireworks.	

ORDINANCE NO. 2020--XXX

AN ORDINANCE OF THE CITY OF ARLINGTON, WASHINGTON
AMENDING AND REPEALING CERTAIN SECTIONS OF THE ARLINGTON MUNICIPAL CODE
CHAPTER 15.16 PERTAINING TO FIREWORKS

WHEREAS, state law and the municipal code currently permit the possession and use of many consumer fireworks; and

WHEREAS, for many years the city and its elected officials have received numerous complaints regarding the discharge of both legal and illegal fireworks; and

WHEREAS, the complaints include complaints about excessive noise, fire hazards, cleanup and safety risks created by the discharge of fireworks; and

WHEREAS, on August 5, 2019, the City Council adopted Resolution 2019-015 requesting the Snohomish County Auditor to place the following proposition on the November 2019 ballot as an advisory measure:

Should the City Council of Arlington ban the possession, sale and discharge of all fireworks within the City of Arlington?

WHEREAS, on November 5, 2019, Proposition 1 appeared on the ballot and was approved by voters with 50.7% voting in favor of the measure; and

WHEREAS, the Council believes that prohibiting fireworks would enhance the health, safety, and welfare of the public; and

WHEREAS, chapter 70.77 RCW authorizes cities to adopt fireworks ordinances that are more restrictive than state law, but such ordinances may only become effective one year after their adoption;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF ARLINGTON, WASHINGTON AS FOLLOWS:

Section 1. Arlington Municipal Code section 15.16.010 shall be and hereby is amended to read as follows:

15.16.010 - Intent.

It is expressly the purpose of this ordinance to provide for and promote the health, safety, and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be

especially protected or benefited by the terms of this ordinance. It is the specific intent of this ordinance that no provision or term used in this ordinance is intended to impose any duty whatsoever upon the city or any of its officers or employees. Nothing contained in this ordinance is intended nor will be construed to create or form the basis of any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the city related in any manner to the enforcement of this ordinance by its officers, employees or agents.

Section 2. Arlington Municipal Code section 15.16.030 shall be and hereby is amended to read as follows:

15.16.030 - Definitions.

The definitions of chapter 70.77 RCW, as now enacted or subsequently amended, are adopted by reference and shall govern the construction of this chapter, when applicable.

Section 3. Arlington Municipal Code section 15.16.040 shall be and hereby is amended to read as follows:

15.16.040 - Possession, use and discharge of fireworks unlawful.

A. It is unlawful for any person to possess, use, sell, transfer, discharge, ignite, or explode any fireworks within the city; provided that this prohibition shall not apply to the following activities, when authorized by a state license and city permit:

1. Duly authorized public displays, as provided in chapter 70.77 RCW; and
2. Duly authorized use by religious organizations or private organizations or persons for religious or other specific purposes on an approved date and in an approved location, as provided in RCW 70.77.311, and authorized by the Arlington fire marshal.

B. Trick and novelty devices, as defined by state law, are not fireworks for the purposes of this chapter.

C. This chapter does not prohibit the use of torpedoes, flares, or fuses by motor vehicles, railroads, or other transportation agencies for signal purposes or illumination or for use in forest protection activities.

Section 4. Arlington Municipal Code section 15.16.050 shall be and hereby is amended to read as follows:

15.16.050 - Public displays, when permitted.

It is unlawful for any person to hold, conduct or engage in a public display of

fireworks within the city without first having obtained and being the holder of a valid permit issued pursuant to the provisions of this chapter.

Section 5. Arlington Municipal Code section 15.16.060 shall be and hereby is amended to read as follows:

15.16.060 - Public display permit—applications, permits.

A person desiring to make a public display of fireworks shall apply in writing for a permit to hold, conduct or operate a public display of fireworks to the Arlington fire marshal at least sixty (60) days prior to the scheduled event. Applicants shall meet all qualifications and requirements of state law regarding public display of fireworks and all fire and safety requirements as set forth in the standards for public display. Applicants shall pay permit fees as required by the city fee resolution.

The application must include:

- (1) a copy of the applicant's Washington state pyrotechnic operator license (or the pyrotechnic operator license of the applicant's employee who will conduct the public display);
- (2) evidence of a bond issued by an authorized surety or a certificate of public liability insurance;
- (3) a drawing showing a plan view of the fireworks discharge site and the surrounding area within a 500-foot radius;
- (4) the exact location, date and time of the proposed display; and
- (5) the number, type and class of fireworks to be displayed, the manner in which the fireworks are being stored prior to the public fireworks display.

The fire marshal shall investigate whether the character and location of the display as proposed would be hazardous to property or dangerous to any person.

The fire marshal may grant a permit, deny the same, or impose other requirements on the applicant as needed to protect the public safety.

Section 6. Arlington Municipal Code section 15.16.070 shall be and hereby is amended to read as follows:

15.16.070 - Public display permits--transfer .

Each public display permit issued pursuant to this chapter shall be valid for the specific authorized public display event only, shall be used only by the designated permittee and shall be nontransferable. Any transfer or unauthorized use of a permit is a violation of this chapter and shall void the permit granted in addition to all other sanctions provided in this code.

Section 7. Arlington Municipal Code section 15.16.080 shall be and hereby is amended

to read as follows:

15.16.080 - Violation penalties.

A. Any person possessing, using, discharging, igniting, or exploding any consumer firework in violation of this chapter has committed a civil infraction.

1. For a period of 365 days after the effective date of this ordinance, a violation of this subsection shall be a class 3 civil infraction.
2. For the period beginning on the 366th day after the effective date of this ordinance until the 730th day after the effective date of this ordinance, a violation of this subsection shall be a class 2 civil infraction.
3. Beginning on the 731st day after the effective date of this ordinance, a violation of this subsection shall be a class 1 civil infraction.
4. The penalties and assessments for each class of infraction shall be as set by state law. Base penalties shall be as set forth in RCW 7.80.120 as now enacted or subsequently amended. Public Safety and Education Assessments shall be as set forth in RCW 3.62.090 as now enacted or subsequently amended. The base penalty amounts and Public Safety and Education Assessments at the time of the adoption of this ordinance are shown in the table below. The table is for illustrative purposes only and the amount of the base fine and the Public Safety and Education Assessments shall be as provided by state law.

Class	Base penalty per RCW 7.80.120	Public Safety and Education Assessment per RCW 3.62.090(1)	Public Safety and Education Assessment per RCW 3.62.090(2)	Total Fine
Class 1	250	175	88	513
Class 2	125	88	44	257
Class 3	50	35	18	103

B. Any person selling or transferring any consumer firework in violation of this chapter is guilty of a misdemeanor.

C. Any person possessing, using, selling, transferring, discharging, igniting, or exploding any display firework in violation of this chapter is guilty of a gross misdemeanor.

D. Any person possessing, using, selling, transferring, discharging, igniting, or

exploding any dangerous firework, as defined by state law, is guilty of a gross misdemeanor.

E. Any fireworks that are possessed or used in violation of this chapter may be confiscated.

Section 8. Arlington Municipal Code sections 15.16.090 through 15.16.150 shall be and hereby are repealed.

Section 9. Severability. If any provision, section, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 10. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force one year after publication pursuant to RCW 70.77.250(4).

PASSED BY the City Council and APPROVED by the Mayor this _____ day of May, 2020.

CITY OF ARLINGTON

Barbara Tolbert, Mayor

Attest:

Wendy Van Der Meersche
City Clerk

Approved as to form:

Steven J. Peiffle
City Attorney

Chapter 15.16 - FIREWORKS¹²¹

15.16.010 - Intent.

~~It is expressly the purpose of this ordinance to provide for and promote the health, safety, and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this ordinance. It is the specific intent of this ordinance that no provision or term used in this ordinance is intended to impose any duty whatsoever upon the city or any of its officers or employees. Nothing contained in this ordinance is intended nor will be construed to create or form the basis of any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the city related in any manner to the enforcement of this ordinance by its officers, employees or agents. It is the intent of this chapter to amend the city's fireworks regulations to bring them into compliance with the recently adopted state fireworks regulations. This chapter amends the city's fireworks regulations to comply with Chapter 70.77 RCW, as amended by Chapter 370, Laws of 2002. This provides a procedure for the granting of licenses, and the possession, sale and discharge of approved fireworks, classified as such by the state fire marshal, and not to permit the possession, sale, or use of any other fireworks classified as dangerous fireworks by the State Fireworks Law, or otherwise prohibited by the ordinance of the city.~~

15.16.020 - Title.

~~This chapter will be known and cited as the "Fireworks Ordinance of the City of Arlington."~~

15.16.030 - Definitions.

~~The definitions of chapter 70.77 RCW, as now enacted or subsequently amended, are adopted by reference and shall govern the construction of this chapter, when applicable.~~

~~For the purpose of this chapter, the following words will have the following meanings:~~

- ~~(a) "Agricultural and wildlife fireworks" includes fire works devices distributed to farmers, ranchers and growers through a wildlife management program administered by the United States Department of the Interior or an equivalent state or local governmental agency.~~
- ~~(b) "Articles pyrotechnic" means pyrotechnic devices for professional use similar to consumer fireworks in chemical composition and construction but not intended for consumer use which meet the weight and limits for consumer fireworks but which are not labeled as such and which are classified as UN0431 or UN0432 by the United States Department of Transportation at 49 C.F.R. Sec. 172.101 as of the effective date of this ordinance.~~
- ~~(c) "Consumer fireworks" means any small firework device designed to produce visible effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission, as set forth in 16 C.F.R. Parts 1500 and 1507 and including some small devices designed to produce audible effects, such as whistling devices, ground devices containing fifty mg or less of explosive materials, and aerial devices containing one hundred thirty mg or less of explosive~~

~~materials and classified as fireworks UNO336 by the United States Department of Transportation at 49 C.F.R. Sec. 172.101 as of the effective date of this ordinance, and not including fused set-pieces containing components that together exceed fifty mg of salute powder.~~

- ~~(d) "Display fireworks" means large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation and includes, but is not limited to, salutes containing more than two grains (one hundred thirty mg) of explosive materials, aerial shells containing more than forty grams of pyrotechnic compositions, and other display pieces that exceed the limits of explosive materials for classification as "consumer fireworks" and are classified as fireworks UNO333, UNO334, or UNO335 by the United States Department of Transportation at 49 C.F.R. Sec. 172.101 as of the effective date of this ordinance, and including fused set-pieces containing components that exceed fifty mg of salute powder.~~
- ~~(e) "External packaging" means any materials that are not an integral part of the operative unit of the fireworks.~~
- ~~(f) "Fireworks" means any composition or device, designed to produce a visible or audible effect by combustion, deflagration, or detonation, and which meet the definition of articles pyrotechnic or consumer fireworks or display fireworks.~~
- ~~(g) "Permit" means the official authorization granted by the city for the purpose of establishing and maintaining a place within the jurisdiction of the city where fireworks are manufactured, constructed, produced, packaged, stored, sold, or exchanged, and the official authorization granted by the city for a public display of fireworks.~~
- ~~(h) "Public display of fireworks" means an entertainment feature where the public is or could be admitted or allowed to view the display or discharge of display fireworks.~~
- ~~(i) "Pyrotechnic operator" includes any individual who by experience and training has demonstrated the required skill and ability for safely setting up and discharging display fireworks.~~
- ~~(j) "Retailer" includes any person who, at a fixed location or place of business, offers for sale, sells, or exchanges for consideration consumer fireworks to a consumer or user.~~
- ~~(k) "Special effects" means any combination of chemical elements or electrical compounds capable of burning independently of the oxygen of the atmosphere, and designed and intended to produce an audible, visual, mechanical, or thermal effect as a necessary part of a motion picture, radio or television production, theatrical, or opera.~~
- ~~(l) "Wholesaler" includes any person who sells fireworks to a retailer or any other person for resale and any person who sells display fireworks to public display licensees.~~

~~(Ord. 1284 §2, 2002; Ord. 770 §2(part), 1981; Ord. 471 §3, 1963).~~

15.16.040 - License required.Possession, use and discharge of fireworks unlawful.

A. It is unlawful for any person to possess, use, sell, transfer, discharge, ignite, or explode any

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fireworks within the city; provided that this prohibition shall not apply to the following activities, when authorized by a state license and city permit:

1. Duly authorized public displays, as provided in chapter 70.77 RCW; and
2. Duly authorized use by religious organizations or private organizations or persons for religious or other specific purposes on an approved date and in an approved location, as provided in RCW 70.77.311, and authorized by the Arlington fire marshal.

B. Trick and novelty devices, as defined by state law, are not fireworks for the purposes of this chapter.

C. This chapter does not prohibit the use of torpedoes, flares, or fuses by motor vehicles, railroads, or other transportation agencies for signal purposes or illumination or for use in forest protection activities.

~~It is unlawful for any person, firm, co-partnership or corporation to engage in the retail sale of fireworks within the city without first having obtained a license from the city clerk.~~

~~Applicants for renewal of license will be given preference over applicants for license by persons not previously licensed, provided that if the holder of the license fails to make application for renewal by the second Monday in April, said preference will be forfeited.~~

~~No one organization may receive more than one license for fireworks sales during any one calendar year. The maximum number of licenses that may be issued pursuant to this chapter during any one calendar year will not exceed one license for each two thousand residents of the city or fraction thereof, according to the last official census.~~

~~(Ord. 1284 §3, 2002; Ord. 770 §2(part), 1981; Ord. 471 §4, 1963).~~

15.16.050 - License application- Public displays, when permitted.

It is unlawful for any person to hold, conduct or engage in a public display of fireworks within the city without first having obtained and being the holder of a valid permit issued pursuant to the provisions of this chapter.

~~No license or permit is required for the possession or use of consumer fireworks lawfully purchased at retail.~~

~~The fireworks license will be issued only to such applicants who meet the following qualifications:~~

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- ~~(1) Nonprofit charitable, religious, or eleemosynary corporations, organized and existing primarily for veterans, patriotic, religious, charitable or civic betterment purposes; and~~
- ~~(2) Said corporation or association has its principal and permanent meeting place in the city, and has been organized and established in the city, for a period of at least one year prior to the date application is made for a fireworks license.~~

~~Application for a license:~~

- ~~(1) Will be made in writing accompanied by a license fee as set forth in the city's fee resolution;~~
- ~~(2) Will be made ninety days prior to the discharge date. Applicants for any such license will be notified by the city clerk of the granting or rejection of their application for license and if any applicants are not granted a license, the fee will be refunded.~~
- ~~(3) Will set forth the proposed location of the fireworks stand applied for; and~~
- ~~(4) Will be accompanied by an assurance that if the license is issued to applicant, applicant will, at the time of receipt of such license, deliver to the city clerk a liability insurance policy with coverage of 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, each fireworks permit will be covered by a liability insurance policy in the maximum amount offered by at least three different approved insurance companies. A rider will be attached to the policy designating the city as an additional insured there under.~~

~~(Ord. 1284 §4, 2002; Ord. 770 §2(part), 1981; Ord. 471 §5, 1963).~~

~~(Ord. No. 2010-011, § 10, 6-17-2010)~~

15.16.060 - ~~Lawful sale dates.~~Public display permit—applications, permits.

A person desiring to make a public display of fireworks shall apply in writing for a permit to hold, conduct or operate a public display of fireworks to the Arlington fire marshal at least sixty (60) days prior to the scheduled event. Applicants shall meet all qualifications and requirements of state law regarding public display of fireworks and all fire and safety requirements as set forth in the standards for public display. Applicants shall pay permit fees as required by the city fee resolution.

The application must include:

- (1) a copy of the applicant's Washington state pyrotechnic operator license (or the pyrotechnic operator license of the applicant's employee who will conduct the public display);
- (2) evidence of a bond issued by an authorized surety or a certificate of public liability insurance;

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- (3) a drawing showing a plan view of the fireworks discharge site and the surrounding area within a 500-foot radius;
- (4) the exact location, date and time of the proposed display; and
- (5) the number, type and class of fireworks to be displayed, the manner in which the fireworks are being stored prior to the public fireworks display.

The fire marshal shall investigate whether the character and location of the display as proposed would be hazardous to property or dangerous to any person.

The fire marshal may grant a permit, deny the same, or impose other requirements on the applicant as needed to protect the public safety.

It is unlawful for any person, firm, co-partnership, or corporation to offer for retail sale, expose for retail sale, sell at retail any fireworks within the city, except from 9:00 a.m. on June 28th to 9:00 p.m. on July 4th, and from 9:00 a.m. on December 27 to 9:00 p.m. on December 31.

(Ord. 1284 §5, 2002; Ord. 770 §2(part), 1981; Ord. 471 §6, 1963).

15.16.070 - Firework discharge dates: Public display permits--transfer

Each public display permit issued pursuant to this chapter shall be valid for the specific authorized public display event only, shall be used only by the designated permittee and shall be nontransferable. Any transfer or unauthorized use of a permit is a violation of this chapter and shall void the permit granted in addition to all other sanctions provided in this code. Consumer fireworks may only be discharged on July 4th from 9:00 a.m. to midnight and on December 31, from 7:00 p.m. until midnight. No other discharge of fireworks will be allowed except as provided in this ordinance.

(Ord. 1284 §6, 2002; Ord. 770 §2(part), 1981; Ord. 471 §7, 1963).

15.16.080 – Public firework displays-

The assembling, compounding, use, and display of articles pyrotechnic will be under the control of a pyrotechnic operator licensed by the state of Washington and who possesses a valid permit from the city.

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~~No person may discharge fireworks at any place except as authorized by state license and local permit for a public display of fireworks; provided, that consumer fireworks, firecrackers, salutes and chasers may be purchased and used by religious organizations or private organizations or persons if purchased from a licensed manufacturer, importer, or wholesaler for use on prescribed dates and locations, for religious or specific purposes, upon obtaining a permit from the city fire chief.~~

~~The fire chief may require a safety plan be submitted and approved prior to the display. Additionally, if deemed necessary, the fire chief may require a fire department standby crew with costs for such paid by the event organizers prior to the display.~~

~~(Ord. 1284 §7, 2002; Ord. 770 §2(part), 1981; Ord. 471 §8, 1963).~~

~~15.16.090—Specialized operations.~~

~~The assembling, compounding, use, and display of articles pyrotechnic or special effects in the production of motion pictures, radio or television productions, or live entertainment will be under the control of a pyrotechnic operator licensed by the State of Washington and who possesses a valid permit from the city. The fire chief may require a safety plan be submitted and approved prior to the display. Additionally, if deemed necessary, the fire chief may require a fire department standby crew with costs for such posted by the event organizers prior to the display.~~

~~(Ord. 1284 §8, 2002; Ord. 770 §2(part), 1981; Ord. 471 §9, 1963).~~

~~15.16.100—Operation of firework stands.~~

~~No person other than the licensee organization will operate the stand for which the license is issued, or share, or otherwise participate in the benefits of the operation of such stand.~~

~~(Ord. 1284 §9, 2002; Ord. 770 §2(part), 1981; Ord. 471 §10, 1963).~~

~~15.16.110—Temporary firework stands.~~

~~All retail sales of consumer fireworks will be permitted only from within a temporary fireworks stand, and the sale from any other building or structure is prohibited. Temporary stands will be subject to the following provisions:~~

- ~~(1) No fireworks stand will be located within twenty five feet of any other building, nor within fifty feet of any gasoline station or distribution station;~~
- ~~(2) Fireworks stands need not comply with the provisions of the building code of the city; provided, however, that all stands will be erected under the supervision of the fire chief of the city, who will require that those stands be constructed in a manner and place that will ensure the safety of attendants and patrons. Safety approved fire extinguishers will be maintained at stands at all times;~~

~~(3) — Each stand must have at least two exits;~~

~~(4) — No fireworks stand will be located closer than six hundred feet to another fireworks stand;~~

~~(5) — All weeds and combustible material will be cleared from the location of the stand, including a distance of at least twenty-five feet surrounding the stand;~~

~~(6) — "No Smoking" signs will be prominently displayed on the fireworks stand;~~

~~(7) — Each stand will be operated by adults only. No fire works will be left unattended in a stand;~~

~~(8) — All unsold stock, accompanying litter, and the fireworks stand will be removed from the location and the city by twelve noon on the sixth day of July and the second day of January of each year.~~

~~(Ord. 1284 §10, 2002; Ord. 770 §2(part), 1981; Ord. 471 §11, 1963).~~

~~(Ord. No. 2010-011, § 11, 6-17-2010)~~

~~15.16.120 — Fireworks seizure proceedings.~~

~~If the fireworks are not returned to the petitioner or destroyed, the city fire chief or state fire marshal may sell confiscated consumer fireworks to wholesalers licensed by the state fire marshal. Sale will be by public auction after publishing a notice of the date, place and time of the auction in a newspaper of general circulation in Snohomish County at least three days before the date of the auction. Proceeds of the sale of seized fireworks will be deposited in the city's general fund. Fireworks that are not legal for use and possession will be destroyed by the city fire chief or state fire marshal.~~

~~(Ord. 1284 §11, 2002; Ord. 770 §2(part), 1981; Ord. 471 §12, 1963).~~

~~(Ord. No. 2010-011, § 12, 6-17-2010)~~

~~15.16.130 — General duty.~~

~~It is expressly the purpose of this ordinance to provide for and promote the health, safety, and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this ordinance. It is the specific intent of this ordinance that no provision or term used in this ordinance is intended to impose any duty whatsoever upon the city or any of its officers or employees. Nothing contained in this ordinance is intended nor will be construed to create or form the basis of any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the city related in any manner to the enforcement of this ordinance by its officers, employees or agents.~~

~~(Ord. 1284 §12, 2002).~~

~~(Ord. No. 2010-011, § 13, 6-17-2010)~~

~~15.16.140—Savings.~~

~~The enactment of this ordinance will not affect any case, proceeding, appeal or other matter currently pending in any court or before the city or in any way modify any obligation, right or liability, civil or criminal, which may exist by virtue of any of the ordinances herein amended.~~

~~(Ord. 1284 §13, 2002).~~

~~15.16.150-080 - Violation penalties.~~

~~A. Any person possessing, using, discharging, igniting, or exploding any consumer firework in violation of this chapter has committed a civil infraction.~~

- ~~1. For a period of 365 days after the effective date of this ordinance, a violation of this subsection shall be a class 3 civil infraction.~~
- ~~2. For the period beginning on the 366th day after the effective date of this ordinance until the 730th day after the effective date of this ordinance, a violation of this subsection shall be a class 2 civil infraction.~~
- ~~3. Beginning on the 731st day after the effective date of this ordinance, a violation of this subsection shall be a class 1 civil infraction.~~
- ~~4. The penalties and assessments for each class of infraction shall be as set by state law. Base penalties shall be as set forth in RCW 7.80.120 as now enacted or subsequently amended. Public Safety and Education Assessments shall be as set forth in RCW 3.62.090 as now enacted or subsequently amended. The base penalty amounts and Public Safety and Education Assessments at the time of the adoption of this ordinance are shown in the table below. The table is for illustrative purposes only and the amount of the base fine and the Public Safety and Education Assessments shall be as provided by state law.~~

<u>Class</u>	<u>Base penalty per RCW 7.80.120</u>	<u>Public Safety and Education Assessment per RCW 3.62.090(1)</u>	<u>Public Safety and Education Assessment per RCW 3.62.090(2)</u>	<u>Total Fine</u>
<u>Class 1</u>	<u>250</u>	<u>175</u>	<u>88</u>	<u>513</u>
<u>Class 2</u>	<u>125</u>	<u>88</u>	<u>44</u>	<u>257</u>
<u>Class 3</u>	<u>50</u>	<u>35</u>	<u>18</u>	<u>103</u>

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B. Any person selling or transferring any consumer firework in violation of this chapter is guilty of a misdemeanor.

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C. Any person possessing, using, selling, transferring, discharging, igniting, or exploding any display firework in violation of this chapter is guilty of a gross misdemeanor.

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D. Any person possessing, using, selling, transferring, discharging, igniting, or exploding any dangerous firework, as defined by state law, is guilty of a gross misdemeanor.

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E. Any fireworks that are possessed or used in violation of this chapter may be confiscated. Violation of any section of this chapter constitutes a gross misdemeanor. (Ord. 1284 §14, 2002).

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Chapter 15.16 - FIREWORKS

15.16.010 - Intent.

It is expressly the purpose of this ordinance to provide for and promote the health, safety, and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this ordinance. It is the specific intent of this ordinance that no provision or term used in this ordinance is intended to impose any duty whatsoever upon the city or any of its officers or employees. Nothing contained in this ordinance is intended nor will be construed to create or form the basis of any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the city related in any manner to the enforcement of this ordinance by its officers, employees or agents.

15.16.020 - Title.

This chapter will be known and cited as the "Fireworks Ordinance of the City of Arlington."

15.16.030 - Definitions.

The definitions of chapter 70.77 RCW, as now enacted or subsequently amended, are adopted by reference and shall govern the construction of this chapter, when applicable.

15.16.040 - Possession, use and discharge of fireworks unlawful.

A. It is unlawful for any person to possess, use, sell, transfer, discharge, ignite, or explode any fireworks within the city; provided that this prohibition shall not apply to the following activities, when authorized by a state license and city permit:

1. Duly authorized public displays, as provided in chapter 70.77 RCW; and
2. Duly authorized use by religious organizations or private organizations or persons for religious or other specific purposes on an approved date and in an approved location, as provided in RCW 70.77.311, and authorized by the Arlington fire marshal.

B. Trick and novelty devices, as defined by state law, are not fireworks for the purposes of this chapter.

C. This chapter does not prohibit the use of torpedoes, flares, or fuses by motor vehicles, railroads, or other transportation agencies for signal purposes or illumination or for use in forest protection activities.

15.16.050 - Public displays, when permitted.

It is unlawful for any person to hold, conduct or engage in a public display of fireworks within the city without first having obtained and being the holder of a valid permit issued pursuant to the provisions of this chapter.

15.16.060 - Public display permit—applications, permits.

A person desiring to make a public display of fireworks shall apply in writing for a permit to hold, conduct or operate a public display of fireworks to the Arlington fire marshal at least sixty (60) days prior to the scheduled event. Applicants shall meet all qualifications and requirements of state law regarding public display of fireworks and all fire and safety requirements as set forth in the standards for public display. Applicants shall pay permit fees as required by the city fee resolution.

The application must include:

- (1) a copy of the applicant's Washington state pyrotechnic operator license (or the pyrotechnic operator license of the applicant's employee who will conduct the public display);
- (2) evidence of a bond issued by an authorized surety or a certificate of public liability insurance;
- (3) a drawing showing a plan view of the fireworks discharge site and the surrounding area within a 500-foot radius;
- (4) the exact location, date and time of the proposed display; and
- (5) the number, type and class of fireworks to be displayed, the manner in which the fireworks are being stored prior to the public fireworks display.

The fire marshal shall investigate whether the character and location of the display as proposed would be hazardous to property or dangerous to any person.

The fire marshal may grant a permit, deny the same, or impose other requirements on the applicant as needed to protect the public safety.

15.16.070 - Public display permits--transfer

Each public display permit issued pursuant to this chapter shall be valid for the specific authorized public display event only, shall be used only by the designated permittee and shall be nontransferable. Any transfer or unauthorized use of a permit is a violation of this chapter and shall void the permit granted in addition to all other sanctions provided in this code.

15.16.080 - Violation penalties.

A. Any person possessing, using, discharging, igniting, or exploding any consumer firework in violation of this chapter has committed a civil infraction.

1. For a period of 365 days after the effective date of this ordinance, a violation of this subsection shall be a class 3 civil infraction.
2. For the period beginning on the 366th day after the effective date of this ordinance until the 730th day after the effective date of this ordinance, a violation of this subsection shall be a class 2 civil infraction.
3. Beginning on the 731st day after the effective date of this ordinance, a violation of this subsection shall be a class 1 civil infraction.
4. The penalties and assessments for each class of infraction shall be as set by state law. Base penalties shall be as set forth in RCW 7.80.120 as now enacted or subsequently amended. Public Safety and Education Assessments shall be as set forth in RCW 3.62.090 as now enacted or subsequently amended. The base penalty amounts and Public Safety and Education Assessments at the time of the adoption of this ordinance are shown in the table below. The table is for illustrative purposes only and the amount of the base fine and the Public Safety and Education Assessments shall be as provided by state law.

Class	Base penalty per RCW 7.80.120	Public Safety and Education Assessment per RCW 3.62.090(1)	Public Safety and Education Assessment per RCW 3.62.090(2)	Total Fine
Class 1	250	175	88	513
Class 2	125	88	44	257
Class 3	50	35	18	103

B. Any person selling or transferring any consumer firework in violation of this chapter is guilty of a misdemeanor.

C. Any person possessing, using, selling, transferring, discharging, igniting, or exploding any display firework in violation of this chapter is guilty of a gross misdemeanor.

D. Any person possessing, using, selling, transferring, discharging, igniting, or exploding any dangerous firework, as defined by state law, is guilty of a gross misdemeanor.

E. Any fireworks that are possessed or used in violation of this chapter may be confiscated.

Summary Report
 Snohomish County, 2019 General, Nov 05, 2019
 All Precincts, All Districts, All ScanStations, All Contests, All Boxes
 Official Results

Total Ballots Cast: 204160, Registered Voters: 475926, Overall Turnout: 42.90%

Choice	Votes	Vote %
Write-in	111	3.47%
Total	3196	100.00%
Overvotes	0	
Undervotes	1458	

City of Arlington Council Position 6 (Vote for 1)

4654 ballots (0 over voted ballots, 0 overvotes, 1457 undervotes), 11518 registered voters, turnout 40.41%

Mike Hopson	3112	97.34%
Write-in	85	2.66%
Total	3197	100.00%
Overvotes	0	
Undervotes	1457	

City of Arlington Prop 1 Fireworks Advisory (Vote for 1)

4654 ballots (0 over voted ballots, 0 overvotes, 110 undervotes), 11518 registered voters, turnout 40.41%

Yes	2304	50.70%
No	2240	49.30%
Total	4544	100.00%
Overvotes	0	
Undervotes	110	

City of Bothell Council Position 2 (Vote for 1)

5123 ballots (0 over voted ballots, 0 overvotes, 639 undervotes), 10894 registered voters, turnout 47.03%

Mason Thompson	2321	51.76%
Leigh Henderson	2157	48.10%
Write-in	6	0.13%
Total	4484	100.00%
Overvotes	0	
Undervotes	639	

City of Bothell Council Position 4 (Vote for 1)

5123 ballots (0 over voted ballots, 0 overvotes, 859 undervotes), 10894 registered voters, turnout 47.03%

Matt Seymour	861	20.19%
James G. McNeal	3391	79.53%
Write-in	12	0.28%
Total	4264	100.00%
Overvotes	0	
Undervotes	859	

City of Bothell Council Position 6 (Vote for 1)

5123 ballots (1 over voted ballots, 1 overvotes, 663 undervotes), 10894 registered voters, turnout 47.03%

Davina Duerr	3328	74.64%
Sean Palermo	1113	24.96%
Write-in	18	0.40%
Total	4459	100.00%
Overvotes	1	
Undervotes	663	

City of Brier Council Position 4 (Vote for 1)

2557 ballots (0 over voted ballots, 0 overvotes, 882 undervotes), 4890 registered voters, turnout 52.29%

Kerin Steele	1617	96.54%
Write-in	58	3.46%
Total	1675	100.00%
Overvotes	0	
Undervotes	882	

City of Brier Council Position 5 (Vote for 1)

2557 ballots (0 over voted ballots, 0 overvotes, 810 undervotes), 4890 registered voters, turnout 52.29%

Dale Kaemingk	1699	97.25%
Write-in	48	2.75%