



City of Tukwila

Washington

Ordinance No. 2672

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING ORDINANCE NO. 2650 §7 (PART) AS CODIFIED AT TUKWILA MUNICIPAL CODE SECTION 16.16.040, SUBPARAGRAPH FF, TO UPDATE REGULATIONS REGARDING FIREWORKS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council desires to amend the Tukwila Municipal Code to allow for the sale and use of non-aerial and non-explosive consumer fireworks in the City of Tukwila; and

WHEREAS, the City Council desires to establish safety regulations associated with the use of legal consumer fireworks; and

WHEREAS, the City Council intends to assess the implementation of this ordinance no later than February 2023; and

WHEREAS, should the City Council determine that a complete fireworks ban is in the best interest of the City of Tukwila, it will adopt an authorizing ordinance to take effect after a period of one year pursuant to RCW 70.77.250;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. TMC Section 16.16.040 Amended. Ordinance No. 2650 §7 (part), as codified at Tukwila Municipal Code Section 16.16.040, subparagraph FF, is amended to read as follows:

FF. Section 5608 of the International Fire Code entitled "Fireworks Display" is amended by substituting the following subsection 5608.2:

Section 5608.2 Fireworks Regulations. No person, firm or corporation shall manufacture, sell, or store fireworks in the City of Tukwila, except for a person granted a permit for a temporary fireworks stand or public display of fireworks shall be allowed to buy, possess, and store fireworks according to the permit granted.

1. Fireworks Discharge Prohibited. No person shall ignite or discharge any fireworks at any time.

Exceptions:

a. Displays authorized by permit issued by the City pursuant to RCW 70.77.260(2) now enacted or as hereafter amended.

b. Use by a group or individual for religious or other specific purposes on an approved date at an approved location pursuant to a permit issued pursuant to RCW 70.77.311(2)(c) now enacted or as hereafter amended and as required by Tukwila Municipal Code.

c. Use of trick and novelty devices as defined in WAC 212-17-030, as amended, and as hereafter amended and use of agricultural and wildlife fireworks as defined in WAC 212-17-045 now enacted or as hereafter amended.

d. Legal consumer fireworks, as defined by RCW 70.77.136 now enacted or as hereafter amended, are small devices designed to produce: (1) visible effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission; and (2) audible effects such as a whistling device, ground device containing 50 milligrams or less of explosive materials—provided that devices that are aerial, airborne, discharged, launched, or explode are prohibited.

2. Limitation on Use of Legal Consumer Fireworks.

a. It is unlawful for any person under the age of 16 years to possess, use, discharge, or transport any fireworks unless under immediate supervision of an adult (18 years old or older). It is unlawful for any person or entity to sell or give fireworks to anyone under the age of 16 years unless that person is under the immediate supervision of an adult (18 years old or older).

b. It is unlawful for any person to smoke within 25 feet of any building or stand in which fireworks are sold at retail or stored after hours.

c. It is unlawful for any person to discharge any fireworks, or to permit the discharge of fireworks, within 300 feet of any structure, combustible material, or person, or any building or stand in which fireworks are sold at retail or stored after hours.

d. It is unlawful at any time to throw or toss any fireworks at any person, animal, vehicle, thing or object.

e. It is unlawful to have in possession or to use, fire, or discharge any fireworks in any public park within the City, including vehicle parking areas within or adjacent to a park.

f. During periods of extreme fire danger, the local fire official may prohibit the discharge of all fireworks including those described in subparagraph FF.1.d above.

g. Legal consumer fireworks may only be used or discharged within the City on the following days and times as provided in RCW 70.77.395:

From 12:00 noon to 11:00 p.m. on June 28th of each year;

From 9:00 a.m. to 11:00 p.m. on each day from June 29th through July 3rd of each year;

From 9:00 a.m. to 12:00 midnight on July 4th of each year;

From 9:00 a.m. to 11:00 p.m. on July 5th of each year; and

From 6:00 p.m. on December 31 until 1:00 a.m. on January 1 of the subsequent year.

3. Temporary Fireworks Stands. Retail sales of fireworks shall be permitted only from within a temporary fireworks stand, and the sale from any other building or structure is prohibited. Temporary stands shall be subject to the following conditions:

a. It is unlawful for any person, firm or corporation to engage in the retail sale of any fireworks within the city limits of Tukwila without first obtaining a City business license.

b. Applications for temporary fireworks stand permits shall be made to the local fire official, and must be accompanied by the appropriate application fee in accordance with the fee schedule adopted by resolution of the City Council. Pursuant to this chapter, applications may be filed only during the period between April 15 and June 1st of the year for which the permit is sought.

c. Any issued permit shall be used only by the designated permittee and shall be nontransferable.

d. The maximum number of permits issued by the City in any year shall not exceed four. Applications shall be reviewed on a first-come, first served basis.

e. A temporary fireworks stand permit shall be issued only upon compliance with the following terms and conditions:

(1) The applicant shall have a valid and subsisting Washington State fireworks license issued by the Washington State Patrol authorizing the holder thereof to engage in the fireworks business.

(2) The applicant shall provide proof of a liability insurance policy with coverage of not less than \$50,000; and \$500,000 for bodily injury liability for each person and occurrence, respectively; and not less than \$50,000 for property damage liability for each occurrence, or such policy as may comply with, or exceed, the requirements of RCW 70.77.270.

f. Temporary fireworks stands shall be erected under the supervision of the Fire Department and shall conform to the following minimum standards:

(1) Temporary fireworks stands shall not be located:

Within 100 feet of any gasoline stations, oil storage tanks, or premises where flammable liquids are kept or stored;

Closer than 20 feet to buildings, combustibles, parking, storage, public roads, motor vehicle traffic, or generators;

Within 25 feet of any property line;

Within 100 feet of tents, other fireworks stands, fuel dispensing devices, retail propane dispensing stations, flammable liquid storage, and combustible storage; and

Within 300 feet of bulk fuel storage.

(2) Each temporary fireworks stand shall have at least two exits that shall be unobstructed at all times and located as far from each other as possible. Parking for customers shall be located at least 20 feet away from the stand.

(3) Each temporary fireworks stand shall have fire extinguishers in a readily accessible place and approved by the Fire Department as to location within the stand, number and type. No smoking shall be permitted in or near a fireworks stand, and signs reading "NO SMOKING WITHIN 25 FEET" shall be prominently displayed on the fireworks stand.

(4) Each stand shall be operated by adults (18 years old or older) only. No fireworks shall be left unattended in a stand.

(5) All weeds and combustible materials shall be cleared from the location of the stand to at least a distance of 20 feet.

(6) All unsold fireworks, cartons and other rubbish shall be removed from the location and from the City by 12:00 noon on July 6 each year. The fireworks stand shall be dismantled and removed from the location by 12:00 noon on July 10 each year.

(7) Fireworks shall not be discharged within 300 feet of a fireworks stand. Signs reading "NO FIREWORKS DISCHARGE WITHIN 300 FEET" shall be in letters at least two inches high, with a principal stroke of not less than one-half inch on contrasting background, and such signs shall be conspicuously posted on all four sides of the stand.

(8) Fireworks retailers shall not knowingly sell fireworks to persons under the age of 16 and shall require proof of age by means of display of a driver's license or photo identification card issued by a public or private school, state, federal or foreign government showing a photograph and date of birth.

(9) Retail sales of legal consumer fireworks shall only be allowed within the City on the following days and times as provided in RCW 70.77.395 as now enacted or hereafter amended:

From 12:00 noon to 11:00 p.m. on June 28th of each year;

From 9:00 a.m. to 11:00 p.m. on each day from June 29th through July 4th of each year;

From 9:00 a.m. to 9:00 p.m. on July 5th of each year,

From 12:00 noon to 11:00 p.m. on each day from December 27th through December 31st of each year.

(10) If the fireworks stand is proposed for placement on leased property, the applicant shall provide an affidavit from the property owner that the use is acceptable.

4. Any person who violates any portion of this ordinance shall have their fireworks subject to seizure by the Tukwila Police Chief, or designee, as provided for in RCW 70.77.435 and shall be guilty of a civil violation and penalty as provided in TMC Chapter 8.45.

5. Any person who uses or discharges fireworks in a reckless manner that creates a substantial risk of death or serious physical injury to another person or damage to the property of another is guilty of a gross misdemeanor and shall be punishable by a maximum penalty of 364 days in jail and/or a \$5,000 fine. Upon conviction, the sentencing court may order restitution for any property damage or loss caused by the offense.

Section 2. Corrections by City Clerk or Code Reviser Authorized. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

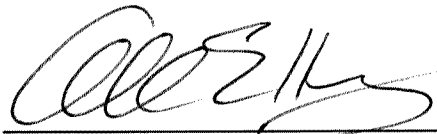
Section 4. Effective Date. This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five days after passage and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this 18th day of April, 2022.

ATTEST/AUTHENTICATED:

eSigned via SeamllessDocs.com
Christy O'Flaherty
Key: 4184c1117017431b887eaa0ed0cb1838

Christy O'Flaherty, MMC, City Clerk



Allan Ekberg, Mayor

APPROVED AS TO FORM BY:

eSigned via SeamllessDocs.com
Kari L. Sand
Key: 3afae752a9c037648a9a53337b47abb

Office of the City Attorney

Filed with the City Clerk: 4-12-22
Passed by the City Council: 4-18-22
Published: 4-21-22
Effective Date: 4-26-22
Ordinance Number: 2672

City of Tukwila Public Notice of Ordinance Adoption for Ordinances 2670-2672.

On April 18, 2022 the City Council of the City of Tukwila, Washington, adopted the following ordinances, the main points of which are summarized by title as follows:

Ordinance 2670: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING ORDINANCE NO. 1663 §1, SUBPARAGRAPH A, "LEGAL HOLIDAYS," AS CODIFIED AT TUKWILA MUNICIPAL CODE SECTION 2.52.030.A, TO ADD THE NINETEENTH OF JUNE, RECOGNIZED AS JUNETEENTH, TO THE LIST OF LEGAL HOLIDAYS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

Ordinance 2671: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, EXTENDING THE TIME TO APPLY FOR A DEVELOPMENT PERMIT, AS REQUIRED BY ORDINANCE NO. 2577, TO REZONE CERTAIN REAL PROPERTY ACROSS PARCELS 3348401800, 3348401810, 3348401820, AND 3348401860 FROM LOW DENSITY RESIDENTIAL (LDR) TO HIGH DENSITY RESIDENTIAL (HDR); RATIFYING PRIOR ACTS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

Ordinance 2672: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING ORDINANCE NO. 2650 §7 (PART) AS CODIFIED AT TUKWILA MUNICIPAL CODE SECTION 16.16.040, SUBPARAGRAPH FF, TO UPDATE REGULATIONS REGARDING FIREWORKS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this ordinance will be provided upon request.

Christy O'Flaherty, MMC, City Clerk

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