

ORDINANCE No. 111656

Pass Department

ENGROSSED

COUNCIL BILL No. 104211

The City of S

AN ORDINANCE relating to the Seattle Fire Code and to fireworks; repealing Article 78 of the 1982 Edition of the Uniform Fire Code relating to fireworks; adding a new Article 78A relating to fireworks to the 1982 Edition of the Uniform Fire Code.

Honorable President
Your Committee on Public

C.7 293248 4/26/83 Pass AS
COMPTROLLER FILE No.

to which was referred the within Council report that we have considered the same

Engrossed Pass AS

Introduced: <u>Apr 16, 1984</u>	By: <u>Dennis</u>
Referred: <u>Apr 16, 1984</u>	To: <u>Public Safety</u>
Referred:	To:
Referred:	To:
Reported: <u>APR 30 1984</u>	Second Reading: <u>APR 30 1984</u>
Third Reading: <u>APR 30 1984</u>	Signed: <u>APR 30 1984</u>
Presented to Mayor: <u>MAY 1 1984</u>	Approved: <u>MAY 4 1984</u>
Returned to City Clerk: <u>MAY 4 1984</u>	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained: <u>OK</u>

FILED ONE MAY 0 1 1984

Department

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

4-26-83

President

Committee on

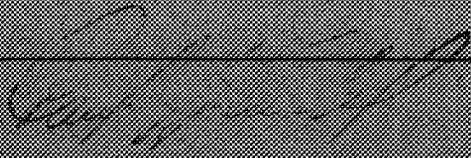
Public Safety

is referred the within Council Bill No.

104211

we have considered the same and respectfully recommend that the same:

Pass as Engrossed



Committee Chair

RPK:jrs
4/13/84
III:ORD2.1

ORDINANCE 111656

AN ORDINANCE relating to the Seattle Fire Code and to fireworks; repealing Article 78 of the 1982 Edition of the Uniform Fire Code relating to fireworks; adding a new Article 78A relating to fireworks to the 1982 Edition of the Uniform Fire Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Effective June 1, 1984, Article 78 of the 1982 edition of the Uniform Fire Code as amended by City of Seattle Amendments to the 1982 Uniform Fire Code dated October 1, 1982, and as adopted by Section 2 of Ordinance 111001 (Section 22.600.020 of the Seattle Municipal Code), is hereby repealed; provided, that permits issued thereunder shall remain valid until expiration, completion and supersession by action under this ordinance.

Section 2. Effective June 1, 1984, there is added to the 1982 Edition of the Uniform Fire Code, adopted by Section 2 of Ordinance 111001 (Section 22.600.020 of the Seattle Municipal Code), a new article 78A as follows:

Article 78A - Fireworks

Section 78A.101 Scope

(a) This article shall apply to the manufacture, possession, storage, sale, transportation and use of fire works.

Nothing in this article shall be construed to prohibit:

1. The use of fireworks:

(i) By railroads or other transportation agencies for signal or illumination purposes.

(ii) For signal purposes in athletics or sports.

(iii) By military organizations.

1 transportation; provided, that the term does not
2 include fireworks commonly known as firecrackers,
3 salutes, chasers, skyrockets, and missile-type
4 rockets.

- 5 2. Effective June 1, 1985, the term includes ground and
6 hand-held sparkling devices, including items commonly
7 known as dipped sticks, sparklers, cylindrical foun-
8 tains, cone fountains, illuminating torches, wheels,
9 ground spinners, flitter sparklers; and smoke
10 devices; provided, that the term does not include
11 fireworks commonly known as firecrackers, salutes,
12 chasers, skyrockets, missile-type rockets, helicop-
13 ters, aerials, spinners, roman candles, mines, shells
14 and Class C explosives classified as common fireworks
15 by the U.S. Department of Transportation, unless such
Class C explosives are approved by the Chief.

16 (d) "Special effects" means any combination of chemical ele-
17 ments or chemical compounds capable of burning indepen-
18 dently of the oxygen in the atmosphere and designed and
19 intended to produce an audible, visual, mechanical, or
20 thermal effect as a necessary part of motion picture,
21 radio, television, theatrical or opera productions.

22 Section 78A.103 Permits

23 (a) Permits shall be obtained:

- 24 1. To store fireworks in any amount of any type.

25 Exception: Storage not to exceed 10 pounds aggre-
26 gate weight of common fireworks in
27 private residences during the sales
28 period established in 78A.106(b)

1 2. To possess, manufacture, offer to sell, or sell
2 fireworks at wholesale or retail for any use.

3 Exception: Possession of common fireworks lawfully
4 purchased at retail.

5 3. To conduct a public display of fireworks.

6 4. To discharge special fireworks.

7 5. To transport any fireworks.

8 Exception: (i) Transportation by a public carrier
9 to a licensee.

10 (ii) Transportation of common
11 fireworks in a private passenger
12 vehicle during the legal sales
13 period established in Section
14 78A.106(b)

15 6. To use or discharge fireworks inside a structure.

16 7. To use or discharge fireworks for ceremonial
17 purposes; provided that there shall be no fee for
18 such permit.

19 (b) All permits required by this article shall be issued by
20 the Chief except as otherwise provided by Section
21 78A.108(b). As a condition of any permit, the Chief may
22 specify additional safeguards as necessary to provide for
23 the public safety.

24 (c) No person under eighteen years of age may apply for or
25 receive a permit under this article.

26 (d) An Application for a permit shall be made in writing to
27 the Chief at least 30 days in advance. After a permit is
28 granted, transportation, storage, discharge, sale,
possession, use and distribution of fireworks shall be

1 lawful only for the purpose stated on the permit. No per-
2 mit granted hereunder shall be transferable.

3 (e) The Chief may issue permits for the transportation and
4 storage of fireworks in bulk quantities under United
5 States Department of Transportation classifications,
6 describing such quantity limitations, duration and con-
7 ditions of storage or transport as the Chief shall deem
8 necessary to provide for the public safety.

9 Section 78A.104 Authority

10 (a) The Chief shall have authority to issue and condition per-
11 mits required by this article.

12 (b) The Chief and the Chief of the Seattle Police Department
13 have authority to enforce the provisions of this article.

14 Section 78A.105 Legal Fireworks

15 (a) Fireworks which are defined as common fireworks in this
16 article are legal for sale and use within The City of
17 Seattle as set forth in this article.

18 (b) Fireworks which are not common fireworks are expressly
19 prohibited for sale, transportation, discharge, storage,
20 or use within The City of Seattle unless the Chief has
21 issued a permit for such purpose.

22 Section 78A.106 Retail Sales and Discharge of Fireworks

23 (a) Only common fireworks as defined in this article are legal
24 for sale to the public.

25 (b) The sale, possession, use or discharge of any firework in
26 The City of Seattle, prior to 12:00 noon on June 28th or
27 after 12:00 noon on July 6th each year is prohibited
28 except where authorized by Fire Department permit or
exempted under Section 78A.101(a).

1 No common fireworks may be sold except between the
2 following hours and dates:

3 June 28 12:00 noon to 11:00 p.m.

4 June 29 - July 5 9:00 a.m. to 11:00 p.m.

5 July 6 9:00 a.m. to 12:00 noon

6 No common fireworks may be discharged except between the
7 following hours and dates:

8 June 28 12:00 noon to 10:00 p.m.

9 June 29 - July 5 9:00 a.m. to 10:00 p.m.

10 July 6 9:00 a.m. to 12:00 noon

11 (c) Only fireworks defined as common fireworks in this article
12 may be sold at retail stands.

13 (d) A permit for the retail sale of fireworks issued by the
14 Chief must be prominently displayed at the sales location.

15 (e) Retail operators applying for permit shall submit a copy
16 of their State Retailers License with the application for
17 a permit under this article. Each permit application must
18 be accompanied by a certificate of insurance.

19 (f) The certificate of insurance shall evidence a comprehen-
20 sive general liability (including automobile coverage)
21 insurance policy providing limits of One Million Dollars
22 (\$1,000,000), combined single limit, per occurrence and
23 annual aggregate, no deductible, and naming The City of
24 Seattle as an additional insured. The policy shall also
25 meet the requirements of Section 4.110(c) of the Seattle
26 Fire Code.
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1 (g) A bond in the amount of Fifty Dollars (\$50.00) must be
2 posted with the Seattle Fire Department at least 30 days
3 in advance of the initial sales date to provide for costs
4 of site cleanup if the operator fails to perform such
5 clean up.

6 Section 78A.107 Operation of Retail Outlets

7 (a) A stand for the retail sale of fireworks is limited to 500
8 square feet, shall not be located within any permanent
9 structure, and shall be used only for the retail sale of
10 common fireworks.

11 (b) A stand must be either located at least 300 feet from
12 another fireworks stand or separated from another fireworks
13 stand by a major arterial thoroughfare at least 100 feet
14 in width.

15 (c) A stand must be located at least 100 feet from any flam-
16 mable liquid dispensing device or installation.

17 (d) A stand must be located at least 50 feet from any
18 building.

19 (e) A stand must be located no more than 500 feet from a fire
20 hydrant.

21 (f) A stand must be accessible from an improved public street
22 or thoroughfare.

23 (g) The area around the stand must be completely free of
24 hazardous accumulations, including but not limited to dry
25 grass, brush, or debris of any nature, for a distance of
26 not less than 25 feet on all sides.
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- 1 (h) Each stand must have at least 2 exits located at opposite
2 ends of the stand.
3 SUCH EXITS MUST NOT BE LOCKED WHILE THE STAND IS OCCUPIED.
- 4 (i) The stand must be equipped with at least 2 approved (U.L.
5 or F.M.) 2½ gallon water type or equivalent fire
6 extinguishers.
- 7 (j) No heating device of any kind is permitted in the stand.
- 8
9 (k) No smoking signs must be prominently posted on the stand
10 and in the vicinity of the stand. Smoking shall not be
11 permitted within 25 feet of the stand. The stand super-
12 visor shall be responsible for enforcing the no smoking
13 regulations.
- 14 (l) A Motor vehicle cannot be parked within 25 feet of a
15 fireworks stand. No cooking or heating may occur in a
16 motor vehicle located within 50 feet of a fireworks stand.
- 17 (m) Fireworks shall not be discharged within 300 feet of a
18 fireworks stand. Signs to this effect shall be posted
19 conspicuously at the stand.
- 20 (n) In transporting fireworks from warehouses to stands (such
21 as during re-supply), all federal, state, and local
22 transportation requirements must be met, including but not
23 limited to placarding requirements for vehicles carrying
24 over 1000 pounds of fireworks.
- 25 (o) It is unlawful to deliver fireworks to, or store fireworks
26 at, other than the permit location.
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- 1 (p) No fireworks shall be stored outside the stand in any
2 vehicle, trailer, or camper. If the stand is left unat-
3 tended during hours of darkness, all fireworks must be
4 securely locked in a storage magazine constructed of two
5 inch thick wood material throughout and the stand must be
6 securely locked against unauthorized entry. Transporta-
7 tion of fireworks to another fireworks location is prohi-
8 bited. Such fireworks shall remain in the stand during
9 the sales period.
- 10 (q) Stands must be under the direct supervision of a competent
11 adult 18 years of age or older at all times. The location
12 of the closest telephone must be prominently posted within
13 the stand. Overnight sleeping in a stand is prohibited.
14 A separation distance of 25 feet must be maintained between
15 any trailer, camper, vehicle and the stand.
- 16 (r) Customers shall not be permitted inside the stand.
- 17 (s) A clear aisle or walkway must be maintained inside the
18 stand for the full length of the stand.
- 19 (t) The sale of common fireworks to persons under the age of
20 sixteen years is prohibited. A sign to this effect shall
21 be prominently posted on the stand.
- 22 (u) At the end of the sales period, remaining stocks of
23 fireworks must remain in the stand until removed from the
24 City and must be removed from the City within 24 hours.

25 Section 78A.108 Public Display of Fireworks

- 26 (a) Every public display of fireworks shall be handled by a
27 competent operator approved by the Chief and shall be of
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1 such character, and so located, discharged, or fired,
2 that, in the opinion of the Chief, after proper investiga-
3 tion, it will not constitute a hazard to property or
4 endanger any person.

5 (b) A State Pyrotechnics License is required for operators of
6 public display of fireworks.

7 (c) A bond or certificate of insurance must be furnished to
8 the Chief before a permit is issued. The bond shall be in
9 the amount of One Million Dollars (\$1,000,000) and shall
10 be conditioned upon the applicant's payment of all damages
11 to persons and property resulting from or caused by such
12 public display of fireworks, or by any negligence on the
13 part of the applicant or its agents, servants, employees
14 or subcontractors in the presentation of the display. The
15 certificate of insurance shall evidence a comprehensive
16 general liability (including automobile coverage)
17 insurance policy providing limits of One Million Dollars
18 (\$1,000,000) combined single limit, per occurrence and
19 annual aggregate, no deductible, and naming The City of
20 Seattle as an additional insured. The insurance policy
21 shall also meet the requirements of Section 4.110(c) of
22 the Seattle Fire Code.

23 (d) Transportation and Storage

- 24 1. All fireworks shall be transported within the city in
25 accordance with 49 CFR Part 177 and 397.9(b) prior to
26 reaching the display site.
- 27 2. As soon as the fireworks have been delivered to the
28 display site, they shall be attended and shall remain
dry.

1 3. All shells shall be inspected upon delivery to the
2 display site by the display operator. Any shells
3 having tears, leaks, broken fuses, or showing signs
4 of having been wet shall be set aside and shall not
5 be fired. After the display, any such shells shall
6 be either returned to the supplier or destroyed
7 according to the supplier's instructions.

8 4. All fireworks at the firing site must be stored in
9 ready boxes (substantially constructed wood
10 magazines). During the display, the magazines must be
11 25 feet upwind (relation to firing time) from the
12 nearest mortar. Magazine lids must open in the oppo-
13 site direction to the firing. All ready boxes are to
14 be protected by a flameproof water repellent canvas
15 cover until emptied.

16 5. The shell storage area shall be located at a minimum
17 distance of not less than 25 ft from the discharge
18 site.

19 6. During the display, shells shall be stored upwind
20 from the discharge site. If the wind shifts during
21 the display, the shell storage area shall be relo-
22 cated to be upwind from the discharge site.

23 (e) Preparation of Site and Crowd Control

24 1. All dry grass, weeds and other combustible waste
25 matter within 50 feet of the firing site shall be
26 removed.
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- 1 2. When the display is fired from a barge, such barge
2 shall be of non-combustible construction or have a
3 non-combustible surface.
- 4 3. The site shall be located so that the trajectory
5 of shells shall not come within 25 feet of any
6 overhead object.
- 7 4. Discharged Fireworks shall not come within 100 feet
8 of any tent or canvas shelter.
- 9 5. The firing and storage site shall be located not less
10 than 200 feet from any building.
- 11 6. No boats shall be allowed within 200 feet of the
12 firing or storage site.
- 13 7. The operator shall provide sufficient personnel to
14 assure that no unauthorized persons are allowed
15 within 200 feet of the firing and storage site. This
16 requirement shall be in effect from one-half hour
17 prior to the arrival of fireworks until all fireworks
18 debris, equipment and fireworks have been removed
19 from the site.
- 20 8. Spectators shall be restrained behind lines or
21 barriers at least 200 feet from the firing and
22 storage locations.

23
24 (f) Installation of Mortars

- 25 1. Mortars shall be inspected for dents, bent ends, and
26 cracked or broken plugs prior to ground placement.
27 Mortars found to be defective in any way shall not be
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1 used. Any scale on the inside surface of the mortars
2 shall be removed.

3 2. Mortars shall be positioned so that the shells are
4 carried away from spectators and buildings. When
5 fired over water, mortars shall be installed at an
6 angle of not less than 10 degrees, pointing toward
7 the water.

8 3. Mortars shall be either buried securely into the
9 ground to a depth of 2/3 to 3/4 of their length or
10 fastened securely in mortar boxes or drums. In soft
11 ground, heavy timber or rock slabs shall be placed
12 beneath the mortars to prevent their sinking or being
13 driven into the ground during firing.

14 4. In damp ground, a weather-resistant bag shall be
15 placed under the bottom of the mortar prior to place-
16 ment in the ground to protect the mortar against
17 moisture.

18 5. Weather-resistant bags shall be placed over the open
19 end of the mortar in damp weather to keep moisture
20 from accumulating on the inside surface of the mortar.

21 6. Sand bags, dirt boxes, or other suitable protection
22 shall be placed around the mortars to protect the
23 operator from ground bursts. This requirement shall
24 not apply to the down-range side of the discharge
25 site.

26 (g) Operation of the Display
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1. The operator shall provide fire protection at the site as required by the Chief.
2. Only permitted fireworks are authorized for use.
3. When the display is fired from a barge or vessel, a security area shall be established around the barge to prevent boats from entering the fallout area. No boats shall be allowed within 200 feet of the firing or storage site. A boat shall be on standby to remove personnel from the barge or water in an emergency. All personnel aboard the barge shall have approved flotation devices. Additional fire extinguishers, rated 2A minimum, shall be on the barge and so spaced that an extinguisher shall be available within 30 feet at all times.
4. If in the opinion of the Chief or his authorized representative lack of crowd control should pose a danger, the display shall be immediately discontinued until such time as the situation is corrected.
5. If at any time high winds or unusually wet weather prevail such that, in the opinion of the Chief his authorized representative or the display operator, a definite danger exists, the public display shall be postponed until weather conditions improve to permit safe discharge of fireworks.
6. Light snow or mist need not cause cancellation of the display; however, all materials used in the display shall be protected from the weather until immediately prior to use.

- 1 7. Display operators and assistants shall use only
2 flashlights or approved electric lighting for artifi-
3 cial illumination.
- 4 8. No smoking or open flames shall be allowed within 50
5 feet of the firing or storage area as long as shells
6 are present. Signs to this effect shall be conspi-
7 cuously posted.
- 8 9. The first shell fired shall be carefully observed to
9 determine that its trajectory will carry it into the
10 intended firing range and that the shell functions
11 over, and any debris falls into, the planned
12 landing area.
- 13 10. The mortars shall be re-angled or reset if necessary
14 at any time during the display.
- 15 11. When a shell fails to ignite in the mortar, the mor-
16 tar shall not be touched for a minimum of 5 minutes.
17 After 5 minutes it shall be carefully flooded with
18 water. Immediately following the display, the mortar
19 shall be emptied into a bucket of water. The
20 supplier shall be contacted as soon as possible for
21 proper disposal instructions.
- 22 12. Operators shall not attempt to repair a damaged shell
23 nor shall they attempt to dismantle a dry shell. In
24 all such cases, the supplier shall be contacted as
25 soon as possible for proper disposal instructions.
- 26 13. Operators shall not dry a wet shell, lance, or pot
27 for reuse.

1 14. The entire firing range shall be inspected imme-
2 diately following the display to locate any defective
3 shells. Any such shells found shall be immediately
4 doused with water before handling. The shells shall
5 be placed in a bucket of water. The supplier shall
6 then be contacted as soon as possible for proper
7 disposal instructions.

8 15. When fireworks are displayed in darkness the sponsor
9 shall ensure that the firing range is inspected early
10 the following morning.

11 16. Any fireworks remaining unfired after the display
12 shall be immediately disposed of or removed from the
13 City in a safe manner.

14 17. The debris from discharged fireworks shall be pro-
15 perly disposed.

16 (h) The denial by the Fire Chief of a permit for the public
17 display of fireworks may be appealed to the City Council.

18 Section 78A.109 Prohibited Acts

19 (a) The manufacture of fireworks within the City of Seattle is
20 prohibited.

21 (b) The discharge of any fireworks in public parks is prohi-
22 bited unless approved by the Director of the Parks and
23 Recreation Department and the Chief.

24 (c) The discharge of fireworks inside or upon a structure is
25 prohibited, unless a permit has been obtained from the
26 Chief.

1 (d) The discharge of fireworks in a manner which constitutes a
2 hazard to persons or property is prohibited.

3 (e) The discharging or throwing of ignited fireworks from
4 vehicles or buildings is prohibited.

5 (f) The discharging or throwing of ignited fireworks from
6 watercraft or vessels is prohibited, unless a permit has
7 been obtained from the Chief.

8 (g) Fireworks shall not be transported in or upon vehicles
9 used for mass transportation such as buses or trains.

10
11 Section 78A.111 Seizure of Fireworks

12 The Chief shall seize, take, remove or cause to be removed at
13 the expense of the owner, all fireworks offered or exposed for
14 sale, stored, possessed or used in violation of this article.

15 (a) Any person whose fireworks are seized under the provisions
16 of this article, may within 10 days after such seizure,
17 petition the Chief in writing to return the fireworks
18 seized upon the grounds that such fireworks were illegally
19 or erroneously seized. Such petitions shall be considered
20 by the Chief within 15 days after filing and an oral
21 hearing granted to the petitioner if requested. The deci-
22 sion of the Chief shall be provided in writing to the
23 petitioner. The Chief may order the fireworks seized
24 under this chapter disposed of, or returned to the peti-
25 tioner, if illegally or erroneously seized, providing such
return is in compliance with state law or this article.

26 (b) The determination of the Chief is final, unless within 60
27 days an action is commenced in the Municipal Court of
28

1 The City of Seattle for the recovery of fireworks seized
2 by the Chief.

3 (c) If the fireworks are not returned to the petitioner or
4 destroyed, the Chief may sell all confiscated common
5 fireworks and special fireworks that are legal for use and
6 possession under State Law and this Article to wholesalers
7 licensed by the State of Washington. Sales shall be made
8 by public auction after publishing a notice of the date,
9 place and time of the auction in a newspaper of general
10 circulation within the City. Such notice of public auc-
11 tion shall be made at least 14 days prior to the date of
12 auction. The proceeds of any sale of seized fireworks
13 under this article, shall be deposited in a special fund
14 which shall be used for the sole purpose of educating the
15 public on firework safety.

16 (d) Fireworks that are illegal for use and possession in this
17 state shall be turned over to the State Fire Marshal for
18 destruction.
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(To be used for all Ordinances except Emergency.)

Section 3. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 30th day of April, 1984,
and signed by me in open session in authentication of its passage this 30th day of April, 1984.

Mumant B. Rice
President of the City Council.

Approved by me this 4th day of May, 1984.

Charles Cooper
Mayor.

Filed by me this 4th day of May, 1984.

Attest: *Jim Hill*
City Comptroller and City Clerk.

(SEAL)

Published.....

By *Theresa Dumbor*
Deputy Clerk.

RPK:jrs
4/13/84
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3. To conduct a public display of fireworks.

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5. To transport any fireworks.

Exception: (i) Transportation by a public carrier to a licensee.

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27 dates set forth below.

28 June 28	12:00 noon to 11:00 p.m.
June 29 - July 5	9:00 a.m. to 11:00 p.m.
July 6	9:00 a.m. to 12:00 noon

- 1 (c) Only fireworks defined as common fireworks in this article
2 may be sold at retail stands.
- 3 (d) A permit for the retail sale of fireworks issued by the
4 Chief must be prominently displayed at the sales location.
- 5
- 6 (e) Retail operators applying for permit shall submit a copy
7 of their State Retailers License with the application for
8 a permit under this article. Each permit application must
9 be accompanied by a certificate of insurance.
- 10 (f) The certificate of insurance shall evidence a comprehen-
11 sive general liability (including automobile coverage)
12 insurance policy providing limits of One Million Dollars
13 (\$1,000,000), combined single limit, per occurrence and
14 annual aggregate, no deductible, and naming The City of
15 Seattle as an additional insured. The policy shall also
16 meet the requirements of Section 4.110(c) of the Seattle
17 Fire Code.
- 18 (g) A bond in the amount of Fifty Dollars (\$50.00) must be
19 posted with the Seattle Fire Department at least 30 days
20 in advance of the initial sales date to provide for costs
21 of site cleanup if the operator fails to perform such
22 clean up.

22 Section 78A.107 Operation of Retail Outlets

- 23 (a) A stand for the retail sale of fireworks is limited to 500
24 square feet, shall not be located within any permanent
25 structure, and shall be used only for the retail sale of
26 common fireworks.
- 27
- 28

- 1 (b) A stand must be either located at least 300 feet from
2 another fireworks stand or separated from another fireworks
3 stand by a major arterial thoroughfare at least 100 feet
4 in width.
- 5 (c) A stand must be located at least 100 feet from any flam-
6 mable liquid dispensing device or installation.
- 7 (d) A stand must be located at least 50 feet from any
8 building.
- 9 (e) A stand must be located no more than 500 feet from a fire
10 hydrant.
- 11 (f) A stand must be accessible from an improved public street
12 or thoroughfare.
- 13 (g) The area around the stand must be completely free of
14 hazardous accumulations, including but not limited to dry
15 grass, brush, or debris of any nature, for a distance of
16 not less than 25 feet on all sides.
- 17 (h) Each stand must have at least 2 exits located at opposite
18 ends of the stand.
19 SUCH EXITS MUST NOT BE LOCKED WHILE THE STAND IS OCCUPIED.
- 20 (i) The stand must be equipped with at least 2 approved (U.L.
21 or F.M.) 2½ gallon water type or equivalent fire
22 extinguishers.
- 23 (j) No heating device of any kind is permitted in the stand.
- 24 (k) No smoking signs must be prominently posted on the stand
25 and in the vicinity of the stand. Smoking shall not be
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1 permitted within 25 feet of the stand. The stand super-
2 visor shall be responsible for enforcing the no smoking
3 regulations.

4 (l) A Motor vehicle cannot be parked within 25 feet of a
5 fireworks stand. No cooking or heating may occur in a
6 motor vehicle located within 50 feet of a fireworks stand.

7 (m) Fireworks shall not be discharged within 300 feet of a
8 fireworks stand. Signs to this effect shall be posted
9 conspicuously at the stand.

10 (n) In transporting fireworks from warehouses to stands (such
11 as during re-supply), all federal, state, and local
12 transportation requirements must be met, including but not
13 limited to placarding requirements for vehicles carrying
14 over 1000 pounds of fireworks.

15 (o) It is unlawful to deliver fireworks to, or store fireworks
16 at, other than the permit location.

17 (p) No fireworks shall be stored outside the stand in any
18 vehicle, trailer, or camper. If the stand is left unat-
19 tended during hours of darkness, all fireworks must be
20 securely locked in a storage magazine constructed of two
21 inch thick wood material throughout and the stand must be
22 securely locked against unauthorized entry. Transporta-
23 tion of fireworks to another fireworks location is prohi-
24 bited. Such fireworks shall remain in the stand during
25 the sales period.

26 (q) Stands must be under the direct supervision of a competent
27 adult 18 years of age or older at all times. The location
28

1 of the closest telephone must be prominently posted within
2 the stand. Overnight sleeping in a stand is prohibited.
3 A separation distance of 25 feet must be maintained between
4 any trailer, camper, vehicle and the stand.

5 (r) Customers shall not be permitted inside the stand.

6 (s) A clear aisle or walkway must be maintained inside the
7 stand for the full length of the stand.

8 (t) The sale of common fireworks to persons under the age of
9 sixteen years is prohibited. A sign to this effect shall
10 be prominently posted on the stand.

11 (u) At the end of the sales period, remaining stocks of
12 fireworks must remain in the stand until removed from the
13 City and must be removed from the City within 24 hours.

14
15 Section 78A.108 Public Display of Fireworks

16 (a) Every public display of fireworks shall be handled by a
17 competent operator approved by the Chief and shall be of
18 such character, and so located, discharged, or fired,
19 that, in the opinion of the Chief, after proper investiga-
20 tion, it will not constitute a hazard to property or
21 endanger any person.

22 (b) A State Pyrotechnics License is required for operators of
23 public display of fireworks.

24 (c) A bond or certificate of insurance must be furnished to
25 the Chief before a permit is issued. The bond shall be in
26 the amount of One Million Dollars (\$1,000,000) and shall
27 be conditioned upon the applicant's payment of all damages
28

1 4. All fireworks at the firing site must be stored in
2 ready boxes (substantially constructed wood
3 magazines). During the display, the magazines must be
4 25 feet upwind (relation to firing time) from the
5 nearest mortar. Magazine lids must open in the oppo-
6 site direction to the firing. All ready boxes are to
7 be protected by a flameproof water repellent canvas
8 cover until emptied.

9 5. The shell storage area shall be located at a minimum
10 distance of not less than 25 ft from the discharge
11 site.

12 6. During the display, shells shall be stored upwind
13 from the discharge site. If the wind shifts during
14 the display, the shell storage area shall be relo-
15 cated to be upwind from the discharge site.

16 (e) Preparation of Site and Crowd Control

17 1. All dry grass, weeds and other combustible waste
18 matter within 50 feet of the firing site shall be
19 removed.

20 2. When the display is fired from a barge, such barge
21 shall be of non-combustible construction or have a
22 non-combustible surface.

23 3. The site shall be located so that the trajectory
24 of shells shall not come within 25 feet of any
25 overhead object.
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- 1 4. Discharged Fireworks shall not come within 100 feet
2 of any tent or canvas shelter.
- 3 5. The firing and storage site shall be located not less
4 than 200 feet from any building.
- 5 6. No boats shall be allowed within 200 feet of the
6 firing or storage site.
- 7 7. The operator shall provide sufficient personnel to
8 assure that no unauthorized persons are allowed
9 within 200 feet of the firing and storage site. This
10 requirement shall be in effect from one-half hour
11 prior to the arrival of fireworks until all fireworks
12 debris, equipment and fireworks have been removed
13 from the site.
- 14 8. Spectators shall be restrained behind lines or
15 barriers at least 200 feet from the firing and
16 storage locations.

17 (f) Installation of Mortars

- 18 1. Mortars shall be inspected for dents, bent ends, and
19 cracked or broken plugs prior to ground placement.
20 Mortars found to be defective in any way shall not be
21 used. Any scale on the inside surface of the mortars
22 shall be removed.
- 23 2. Mortars shall be positioned so that the shells are
24 carried away from spectators and buildings. When
25 fired over water, mortars shall be installed at an
26 angle of not less than 10 degrees, pointing toward
27 the water.

- 1 3. Mortars shall be either buried securely into the
2 ground to a depth of 2/3 to 3/4 of their length or
3 fastened securely in mortar boxes or drums. In soft
4 ground, heavy timber or rock slabs shall be placed
5 beneath the mortars to prevent their sinking or being
6 driven into the ground during firing.
- 7 4. In damp ground, a weather-resistant bag shall be
8 placed under the bottom of the mortar prior to place-
9 ment in the ground to protect the mortar against
10 moisture.
- 11 5. Weather-resistant bags shall be placed over the open
12 end of the mortar in damp weather to keep moisture
13 from accumulating on the inside surface of the mortar.
- 14 6. Sand bags, dirt boxes, or other suitable protection
15 shall be placed around the mortars to protect the
16 operator from ground bursts. This requirement shall
17 not apply to the down-range side of the discharge
18 site.

19 (g) Operation of the Display

- 20 1. The operator shall provide fire protection at the
21 site as required by the Chief.
- 22 2. Only permitted fireworks are authorized for use.
- 23 3. When the display is fired from a barge or vessel, a
24 security area shall be established around the barge
25 to prevent boats from entering the fallout area.
26 No boats shall be allowed within 200 feet of the
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1 firing or storage site. A boat shall be on standby
2 to remove personnel from the barge or water in an
3 emergency. All personnel aboard the barge shall have
4 approved flotation devices. Additional fire
5 extinguishers, rated 2A minimum, shall be on the
6 barge and so spaced that an extinguisher shall be
7 available within 30 feet at all times.

8 4. If in the opinion of the Chief or his authorized
9 representative lack of crowd control should pose a
10 danger, the display shall be immediately discontinued
11 until such time as the situation is corrected.

12 5. If at any time high winds or unusually wet weather
13 prevail such that, in the opinion of the Chief
14 his authorized representative or the display
15 operator, a definite danger exists, the public display
16 shall be postponed until weather conditions improve
17 to permit safe discharge of fireworks.

18 6. Light snow or mist need not cause cancellation of the
19 display; however, all materials used in the display
20 shall be protected from the weather until immediately
21 prior to use.

22 7. Display operators and assistants shall use only
23 flashlights or approved electric lighting for artifi-
24 cial illumination.

25 8. No smoking or open flames shall be allowed within 50
26 feet of the firing or storage area as long as shells
27 are present. Signs to this effect shall be conspi-
28 cuously posted.

1 9. The first shell fired shall be carefully observed to
2 determine that its trajectory will carry it into the
3 intended firing range and that the shell functions
4 over, and any debris falls into, the planned
5 landing area.

6 10. The mortars shall be re-angled or reset if necessary
7 at any time during the display.

8 11. When a shell fails to ignite in the mortar, the mor-
9 tar shall not be touched for a minimum of 5 minutes.
10 After 5 minutes it shall be carefully flooded with
11 water. Immediately following the display, the mortar
12 shall be emptied into a bucket of water. The
13 supplier shall be contacted as soon as possible for
14 proper disposal instructions.

15 12. Operators shall not attempt to repair a damaged shell
16 nor shall they attempt to dismantle a dry shell. In
17 all such cases, the supplier shall be contacted as
18 soon as possible for proper disposal instructions.

19 13. Operators shall not dry a wet shell, lance, or pot
20 for reuse.

21 14. The entire firing range shall be inspected imme-
22 diately following the display to locate any defective
23 shells. Any such shells found shall be immediately
24 doused with water before handling. The shells shall
25 be placed in a bucket of water. The supplier shall
26 then be contacted as soon as possible for proper
27 disposal instructions.
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1 15. When fireworks are displayed in darkness the sponsor
2 shall ensure that the firing range is inspected early
3 the following morning.

4 16. Any fireworks remaining unfired after the display
5 shall be immediately disposed of or removed from the
6 City in a safe manner.

7 17. The debris from discharged fireworks shall be pro-
8 perly disposed.

9
10 (h) The denial by the Fire Chief of a permit for the public
11 display of fireworks may be appealed to the City Council.

12 Section 78A.109 Prohibited Acts

13 (a) The manufacture of fireworks within the City of Seattle is
14 prohibited.

15 (b) The discharge of any fireworks in public parks is prohi-
16 bited unless approved by the Director of the Parks and
17 Recreation Department and the Chief.

18 (c) The discharge of fireworks inside or upon a structure is
19 prohibited, unless a permit has been obtained from the
20 Chief.

21 (d) The discharge of fireworks in a manner which constitutes a
22 hazard to persons or property is prohibited.

23 (e) The discharging or throwing of ignited fireworks from
24 vehicles or buildings is prohibited.

25 (f) Fireworks shall not be transported in or upon vehicles
26 used for mass transportation such as buses or trains.

1 Section 78A.111 Seizure of Fireworks

2 The Chief shall seize, take, remove or cause to be removed at
3 the expense of the owner, all fireworks offered or exposed for
4 sale, stored, or used in violation of this article.

5 (a) Any person whose fireworks are seized under the provisions
6 of this article, may within 10 days after such seizure,
7 petition the Chief in writing to return the fireworks
8 seized upon the grounds that such fireworks were illegally
9 or erroneously seized. Such petitions shall be considered
10 by the Chief within 15 days after filing and an oral
11 hearing granted to the petitioner if requested. The deci-
12 sion of the Chief shall be provided in writing to the
13 petitioner. The Chief may order the fireworks seized
14 under this chapter disposed of, or returned to the peti-
15 tioner, if illegally or erroneously seized, providing such
16 return is in compliance with state law or this article.

17 (b) The determination of the Chief is final, unless within 60
18 days an action is commenced in the Municipal Court of
19 The City of Seattle for the recovery of fireworks seized
20 by the Chief.

21 (c) If the fireworks are not returned to the petitioner or
22 destroyed, the Chief may sell all confiscated common
23 fireworks and special fireworks that are legal for use and
24 possession under State Law and this Article to wholesalers
25 licensed by the State of Washington. Sales shall be made
26 by public auction after publishing a notice of the date,
27 place and time of the auction in a newspaper of general
28 circulation within the City. Such notice of public auc-
tion shall be made at least 14 days prior to the date of

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auction. The proceeds of any sale of seized fireworks under this article, shall be deposited in a special fund which shall be used for the sole purpose of educating the public on firework safety.

(d) Fireworks that are illegal for use and possession in this state shall be turned over to the State Fire Marshal for destruction.

(To be used for all Ordinances except Emergency.)

Section...3... This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the.....day of....., 19 ..,
and signed by me in open session in authentication of its passage this.....day of
....., 19 ..

President.....of the City Council.

Approved by me this.....day of....., 19 ..

Mayor.

Filed by me this.....day of....., 19 ..

Attest:.....
City Comptroller and City Clerk.

(SEAL)

Published.....

By.....
Deputy Clerk.

Office Of The Mayor
City of Seattle

Charles Royer, Mayor



April 16, 1984

Norman B. Rice, President
City Council
City of Seattle

Dear Councilmember Rice:

The State Legislature recently passed H.B. 1652 which placed additional restrictions on the sale and usage of certain fireworks. This legislation was in response to the public outcry over the unsafe conditions surrounding the discharge of fireworks at Fourth of July celebrations. This most important national holiday was fast becoming a day to dread.

Our state's fireworks laws were liberalized in 1982. I am sure that you and other Councilmembers are aware of the consequences. My office and the Fire Chief's received a deluge of complaints regarding fireworks. The statistics, in terms of personal and property loss, are tragic. In 1981, there were 25 injuries from fireworks that required emergency medical assistance from Fire Department personnel. In 1982, the number of injuries almost tripled to 71. In 1983, we received 60 phone calls for medical assistance. Building fire losses followed a similar trend. In 1981, there were 59 fires with an estimated loss of \$52,700. In 1982, the number of building-related fires more than doubled to 124. In 1983, the losses continued to increase as our city experienced 153 fires at a value of \$158,700.

The new State law takes a major step forward in placing limitations on firecrackers and similar devices designed primarily to produce loud noises. The legislation I am proposing, which was jointly developed with Councilmember Benson, focuses on roman candles and other aerial devices that present us with significant fire hazards. While we will not be able to cut our fire and emergency medical service responses to zero, at least we will be moving toward a more safe and sane environment. The proposed legislation would restrict the age for sale of fireworks to persons sixteen and older. It also clarifies permit requirements for transportation, storage, manufacture, and public displays. Per State law, these local provisions would take effect one year after adoption.

I urge the Council's support of this legislation.

Sincerely,

Charles Royer

CR:jaa

City of Seattle

Executive Department-Office of Management and Budget

Gary Zarker, Director
Charles Royer, Mayor



April 16, 1984

The Honorable Douglas Jewett
City Attorney
City of Seattle

Dear Mr. Jewett:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING
DEPARTMENT: Executive

SUBJECT: Adding two new sections to the uniform Fire Code prohibiting certain fireworks.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation directly to your office for review and drafting.

After reviewing this request and drafting appropriate legislation:

- (X) File the legislation with the City Clerk for formal introduction to the City Council as an Executive Request.
- () Do not file with City Council but return the proposed legislation to OMB for our review. Return to _____.

Sincerely,

Charles Royer
Mayor

By


GARY ZARKER
Budget Director

GZ/ja/cb

Enclosure

ORDINANCE TITLES

AN ORDINANCE relating to the Seattle Fire Code and to fireworks; repealing Article 78 of the 1982 Edition of the Uniform Fire Code relating to fireworks; adding a new Article 78A relating to fireworks to the 1982 Edition of the Uniform Fire Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Effective June 1, 1984, Article 78 of the 1982 edition of the Uniform Fire Code as amended by City of Seattle Amendments to the 1982 Uniform Fire Code dated October 1, 1982, and as adopted by Section 2 of Ordinance 111081 (Section 22.600.020 of the Seattle Municipal Code), is hereby repealed; provided, that permits issued thereunder shall remain valid until expiration, completion and supersession by action under this ordinance.

Section 2. Effective June 1, 1984, there is added to the 1982 Edition of the Uniform Fire Code, adopted by Section 2 of Ordinance 111081 (Section 22.600.020 of the Seattle Municipal Code), a new article 78A as follows:

Article 78A - Fireworks

Section 78A.101 Scope

(a) This article shall apply to the manufacture, possession, storage, sale, transportation and use of fireworks.

Nothing in this article shall be construed to prohibit:

1. The use of fireworks:
 - (i) By railroads or other transportation agencies for signal or illumination purposes.
 - (ii) For signal purposes in athletics or sports.
 - (iii) By military organizations.
2. The sale and use for blank cartridges for show or theater.

Section 78A.102 Definitions

(a) "Fireworks" means any composition or device, in a finished state, containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and classified as common or special fireworks.

(b) "Special fireworks" means any fireworks designed primarily for exhibition display by producing visible or audible effects. The term includes:

1. Fireworks commonly known as sky rockets, missile type rockets, firecrackers, salutes and chasers; and
2. Fireworks which are not classified as common fireworks.

(c) "Common fireworks" means any fireworks designed primarily to produce visible or audible effects by combustion.

1. Effective June 1, 1984 through May 31, 1985, the term includes ground and hand-held sparkling devices, including items commonly known as dipped sticks, sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, and flitter sparklers; smoke devices; helicopters; aeriols; spinners; roman candles; mines; shells; and Class C explosives classified on January 1, 1984 as common fireworks by the United States Department of transportation; provided, that the term does not include fireworks commonly known as firecrackers, salutes, chasers, skyrockets, and missile-type rockets.

2. Effective June 1, 1985, the term includes ground and

Section 78A.103 Permits

(a) Permits shall be obtained:

1. To store fireworks in any amount of any type.

Exception: Storage not to exceed 10 pounds aggregate weight of common fireworks in private residences during the sales period established in 78A.105(b)

2. To possess, manufacture, offer to sell, or sell fireworks at wholesale or retail for any use.

Exception: Possession of common fireworks lawfully purchased at retail.

3. To conduct a public display of fireworks.

4. To discharge special fireworks.

5. To transport any fireworks.

Exception: (i) Transportation by a public carrier to a licensee.

(ii) Transportation of common fireworks in a private passenger vehicle during the legal sales period established in Section 78A.106(b)

6. To use or discharge fireworks inside a structure.

7. To use or discharge fireworks for ceremonial purposes; provided that there shall be no fee for such permit.

(b) All permits required by this article shall be issued by the Chief except as otherwise provided by Section 78A.108(b). As a condition of any permit, the Chief may specify additional safeguards as necessary to provide for the public safety.

(c) No person under eighteen years of age may apply for or receive a permit under this article.

(d) An Application for a permit shall be made in writing to the Chief at least 30 days in advance. After a permit is granted, transportation, storage, discharge, sale, possession, use and distribution of fireworks shall be

lawful only for the purpose stated on the permit. No permit granted hereunder shall be transferable.

(e) The Chief may issue permits for the transportation and storage of fireworks in bulk quantities under United States Department of Transportation classifications, describing such quantity limitations, duration and conditions of storage or transport as the Chief shall deem necessary to provide for the public safety.

Section 78A.104 Authority

(a) The Chief shall have authority to issue and condition permits required by this article.

(b) The Chief and the Chief of the Seattle Police Department have authority to enforce the provisions of this article.

Section 78A.105 Legal Fireworks

(a) Fireworks which are defined as common fireworks in this article are legal for sale and use within The City of Seattle as set forth in this article.

(b) Fireworks which are not common fireworks are expressly prohibited for sale, transportation, discharge, storage,

No common fireworks may be discharged except between the following hours and dates:

June 28	12:00 noon to 12:01 p.m.
June 29 - July 5	9:00 a.m. to 10:00 p.m.
July 6	9:00 a.m. to 12:00 noon

(c) Only fireworks defined as common fireworks in this article may be sold at retail stands.

(d) A permit for the retail sale of fireworks issued by the Chief must be prominently displayed at the sales location.

(e) Retail operators applying for permit shall submit a copy of their State Retailers License with the application for a permit under this article. Each permit application must be accompanied by a certificate of insurance.

(f) The certificate of insurance shall evidence a comprehensive general liability (including automobile coverage) insurance policy providing limits of One Million Dollars (\$1,000,000), combined single limit, per occurrence and annual aggregate, no deductible, and naming The City of Seattle as an additional insured. The policy shall also meet the requirements of Section 4.110(c) of the Seattle Fire Code.

(g) A bond in the amount of Fifty Dollars (\$50.00) must be posted with the Seattle Fire Department at least 30 days in advance of the initial sales date to provide for costs of site cleanup if the operator fails to perform such clean up.

Section 78A.107 Operation of Retail Outlets

(a) A stand for the retail sale of fireworks is limited to 500 square feet, shall not be located within any permanent structure, and shall be used only for the retail sale of common fireworks.

(b) A stand must be either located at least 300 feet from another fireworks stand or separated from another fireworks stand by a major arterial thoroughfare at least 100 feet in width.

(c) A stand must be located at least 100 feet from any flammable liquid dispensing device or installation.

(d) A stand must be located at least 50 feet from any building.

(e) A stand must be located no more than 500 feet from a fire hydrant.

(f) A stand must be accessible from an improved public street or thoroughfare.

(g) The area around the stand must be completely free of hazardous accumulations, including but not limited to dry grass, brush, or debris of any nature, for a distance of not less than 25 feet on all sides.

(h) Each stand must have at least 2 exits located at opposite ends of the stand.

SUCH EXITS MUST NOT BE LOCKED WHILE THE STAND IS OCCUPIED.

(i) The stand must be equipped with at least 2 approved (U.L. or F.M.) 2 1/2 gallon water type or equivalent fire extinguishers.

(o) It is unlawful to deliver fireworks to, or store fireworks at, other than the permit location.

(p) No fireworks shall be stored outside the stand in any vehicle, trailer, or camper. If the stand is left unattended during hours of darkness, all fireworks must be securely locked in a storage magazine constructed of two inch thick wood material throughout and the stand must be securely locked against unauthorized entry. Transportation of fireworks to another fireworks location is prohibited. Such fireworks shall remain in the stand during the sales period.

(q) Stands must be under the direct supervision of a competent adult 18 years of age or older at all times. The location of the closest telephone must be prominently posted within the stand. Overnight sleeping in a stand is prohibited. A separation distance of 25 feet must be maintained between any trailer, camper, vehicle and the stand.

(r) Customers shall not be permitted inside the stand.

(s) A clear aisle or walkway must be maintained inside the stand for the full length of the stand.

(t) The sale of common fireworks to persons under the age of sixteen years is prohibited. A sign to this effect shall be prominently posted on the stand.

(u) At the end of the sales period, remaining stocks of fireworks must remain in the stand until removed from the City and must be removed from the City within 24 hours.

Section 78A.108 Public Display of Fireworks

(a) Every public display of fireworks shall be handled by a competent operator approved by the Chief and shall be of such character, and so located, discharged, or fired, that, in the opinion of the Chief, after proper investigation, it will not constitute a hazard to property or endanger any person.

(b) A State Pyrotechnics License is required for operators of public display of fireworks.

(c) A bond or certificate of insurance must be furnished to the Chief before a permit is issued. The bond shall be in the amount of One Million Dollars (\$1,000,000) and shall be conditioned upon the applicant's payment of all damages to persons and property resulting from or caused by such public display of fireworks, or by any negligence on the part of the applicant or its agents, servants, employees or subcontractors in the presentation of the display. The certificate of insurance shall evidence a comprehensive general liability (including automobile coverage) insurance policy providing limits of One Million Dollars (\$1,000,000) combined single limit, per occurrence and annual aggregate, no deductible, and naming The City of Seattle as an additional insured. The insurance policy shall also meet the requirements of Section 4.110(c) of the Seattle Fire Code.

(d) Transportation and Storage

1. All fireworks shall be transported within the city in

nearest mortar. Magazine lids must open in the opposite direction to the firing. All ready boxes are to be protected by a flameproof water repellent canvas cover until emptied.

5. The shell storage area shall be located at a minimum distance of not less than 25 ft from the discharge site.
6. During the display, shells shall be stored upwind from the discharge site. If the wind shifts during the display, the shell storage area shall be relocated to be upwind from the discharge site.

(e) Preparation of Site and Crowd Control

1. All dry grass, weeds and other combustible waste matter within 50 feet of the firing site shall be removed.
2. When the display is fired from a barge, such barge shall be of non-combustible construction or have a non-combustible surface.
3. The site shall be located so that the trajectory of shells shall not come within 25 feet of any overhead object.
4. Discharged fireworks shall not come within 100 feet of any tent or canvas shelter.
5. The firing and storage site shall be located not less than 200 feet from any building.
6. No boats shall be allowed within 200 feet of the firing or storage site.
7. The operator shall provide sufficient personnel to assure that no unauthorized persons are allowed within 200 feet of the firing and storage site. This requirement shall be in effect from one-half hour prior to the arrival of fireworks until all fireworks debris, equipment and fireworks have been removed from the site.

8. Spectators shall be restrained behind lines or barriers at least 200 feet from the firing and storage locations.

(f) Installation of Mortars

1. Mortars shall be inspected for dents, bent ends, and cracked or broken plugs prior to ground placement. Mortars found to be defective in any way shall not be used. Any scale on the inside surface of the mortars shall be removed.
2. Mortars shall be positioned so that the shells are carried away from spectators and buildings. When fired over water, mortars shall be installed at an angle of not less than 10 degrees, pointing toward the water.
3. Mortars shall be either buried securely into the ground to a depth of 2/3 to 3/4 of their length or fastened securely in mortar boxes or drums. In soft ground, heavy timber or rock slabs shall be placed

(g) Operation of the Display

1. The operator shall provide fire protection at the site as required by the Chief.
2. Only permitted fireworks are authorized for use.
3. When the display is fired from a barge or vessel, a security area shall be established around the barge to prevent boats from entering the fallout area. No boats shall be allowed within 200 feet of the firing or storage site. A boat shall be on standby to remove personnel from the barge or water in an emergency. All personnel aboard the barge shall have approved flotation devices. Additional fire extinguishers, rated 2A minimum, shall be on the barge and so spaced that an extinguisher shall be available within 30 feet at all times.
4. If in the opinion of the Chief or his authorized representative lack of crowd control should pose a danger, the display shall be immediately discontinued until such time as the situation is corrected.
5. If at any time high winds or unusually wet weather prevail such that, in the opinion of the Chief his authorized representative or the display operator, a definite danger exists, the public display shall be postponed until weather conditions improve to permit safe discharge of fireworks.
6. Light snow or mist need not cause cancellation of the display; however, all materials used in the display shall be protected from the weather until immediately prior to use.
7. Display operators and assistants shall use only flashlights or approved electric lighting for artificial illumination.
8. No smoking or open flames shall be allowed within 50 feet of the firing or storage area as long as shells are present. Signs to this effect shall be conspicuously posted.
9. The first shell fired shall be carefully observed to determine that its trajectory will carry it into the intended firing range and that the shell functions over, and any debris falls into, the planned landing area.
10. The mortars shall be re-angled or reset if necessary at any time during the display.
11. When a shell fails to ignite in the mortar, the mortar shall not be touched for a minimum of 5 minutes. After 5 minutes it shall be carefully flooded with water. Immediately following the display, the mortar shall be emptied into a bucket of water. The supplier shall be contacted as soon as possible for proper disposal instructions.
12. Operators shall not attempt to repair a damaged shell nor shall they attempt to dismantle a dry shell. In all such cases, the supplier shall be contacted as soon as possible for proper disposal instructions.

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17. The debris from discharged fireworks shall be properly disposed.
- (b) The denial by the Fire Chief of a permit for the public display of fireworks may be appealed to the City Council.

Section 78A.109 Prohibited Acts

- (a) The manufacture of fireworks within the City of Seattle is prohibited.
- (b) The discharge of any fireworks in public parks is prohibited unless approved by the Director of the Parks and Recreation Department and the Chief.
- (c) The discharge of fireworks inside or upon a structure is prohibited, unless a permit has been obtained from the Chief.
- (d) The discharge of fireworks in a manner which constitutes a hazard to persons or property is prohibited.
- (e) The discharging or throwing of ignited fireworks from vehicles or buildings is prohibited.
- (f) The discharging or throwing of ignited fireworks from watercraft or vessels is prohibited, unless a permit has been obtained from the Chief.
- (g) Fireworks shall not be transported in or upon vehicles used for mass transportation such as buses or trains.

Section 78A.111 Seizure of Fireworks

The Chief shall seize, take, remove or cause to be removed at the expense of the owner, all fireworks offered or exposed for sale, stored, possessed or used in violation of this article.

- (a) Any person whose fireworks are seized under the provisions of this article, may within 10 days after such seizure, petition the Chief in writing to return the fireworks seized upon the grounds that such fireworks were illegally or erroneously seized. Such petitions shall be considered by the Chief within 15 days after filing and an oral hearing granted to the petitioner if requested. The decision of the Chief shall be provided in writing to the petitioner. The Chief may order the fireworks seized under this chapter disposed of, or returned to the petitioner, if illegally or erroneously seized, providing such return is in compliance with state law or this article.
- (b) The determination of the Chief is final, unless within 60 days an action is commenced in the Municipal Court of The City of Seattle for the recovery of fireworks seized by the Chief.
- (c) If the fireworks are not returned to the petitioner or destroyed, the Chief may sell all confiscated common fireworks and special fireworks that are legal for use and possession under State Law and this Article to wholesalers licensed by the State of Washington. Sales shall be made by public auction after publishing a notice of the date, place and time of the auction in a newspaper of general circulation within the City. Such notice of public auction shall be made at least 14 days prior to the date of auction. The proceeds of any sale of seized fireworks under this article, shall be deposited in a special fund

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Affidavit of Publication

STATE OF WASHINGTON
KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

.....
Ordinance No. 111656
.....

was published on May 8, 1984
.....
.....

[Handwritten Signature]
.....

Subscribed and sworn to before me on
May 8, 1984
.....

[Handwritten Signature]
.....
Notary Public for the State of Washington,
residing in Seattle.

Department

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

President

Report on

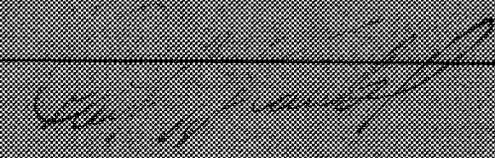
Public Safety

referred the within Council Bill No.

104211

we have considered the same and respectfully recommend that the same:

Pass to Engrossed Bill



Committee Chair