

H2  
6/19



# AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

**Department: BOCC**

**WORK SESSION**  **Meeting Date:**

**REGULAR AGENDA**  **Meeting Date: 6/19/18**

### Item Summary:\*

- Hearing
- Resolution
- Draft Ordinance
- Contract/Agreement/MOU\*\* Contract #
- Proclamation
- Ordinance
- Budget Item
- Other

### Executive Summary:

The cities of Port Angeles and Sequim have both enacted new regulations involving the sale and discharge of consumer fireworks in the past two years. These new regulations, coupled with concerns ranging from fire danger to impact on livestock and pets, inspired a group of citizens to approach the County Commissioners about considering additional regulation at the County level.

A review of other counties' policies shows a range of approaches to the subject of fireworks, including limiting the days of the year and hours of the day during which fireworks can be discharged.

Public hearing on an Ordinance creating a Chapter in the Clallam County Code titled Fireworks to be held on Tuesday, June 19 at 10:30 a.m. in the Board of Commissioner Board Room 160.

**Budgetary Impact:**(Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget Action is required, has it been submitted and a copy attached?**   
None

**Recommended Action:**(Does the Board need to act? If so, what is the department's recommendation?)  
Public hearing on an Ordinance creating a Chapter in the Clallam County Code titled Fireworks to be held on Tuesday, June 19 at 10:30 a.m. in the Board of Commissioner Board Room 160.

**County Official Signature:** 

**Date Submitted:** June 8, 2018

3C  
6/5

## PUBLIC HEARING

Proposed Clallam County Ordinance creating a new Chapter in the Clallam County Code titled Fireworks

**NOTICE IS HEREBY GIVEN** that the Clallam County Board of Commissioners will conduct a public hearing on **Tuesday, June 19 at 10:30 a.m.**, or as soon thereafter as possible in the Commissioners' Meeting Room of the Clallam County Courthouse, 223 East 4<sup>th</sup> Street, Room 160, Port Angeles, Washington. The purpose of the public hearing is to consider a new Chapter in the Clallam County Code title Fireworks, the text of which is being published in summary and in compliance with RCW 65.16.160 and Clallam County Charter Section 3.10. (NOTE: The full text will be mailed without charge upon request – see "Proponent" below for the address and/or telephone number.) All proposed ordinances are available on the County website [www.clallam.net](http://www.clallam.net).

Comments for or against this proposed ordinance are encouraged. Interested persons must either submit their written comments before the hearing is commenced (see Proponent's address below) or present written and/or oral comments in person during the public hearing.

In compliance with the Americans with Disabilities Act (ADA), appropriate aids and/or reasonable accommodations will be made available upon request. Requests must be received at least seven (7) days prior to the hearing – see "Proponent" below. The facility is considered "barrier free" and accessible to those with physical disabilities.

**PROPONENT:** Clallam County Board of Commissioners  
223 East 4<sup>th</sup> Street, Suite 4  
Port Angeles, WA 98362-3015  
Telephone: 360.417.2233

**FORMAL IDENTIFICATION:** Creating a new Chapter in the Clallam County Code titled, "Fireworks"

### **DESCRIPTIVE TITLE:**

Section xxx.010, Definitions  
Section xxx.020, Applicability  
Section xxx.030, Delegation of Authority  
Section xxx.040, Possession, sale, transfer and discharge of fireworks unlawful without a permit  
Section xxx.050, Application for public/private fireworks display  
Section xxx.060, Standards for public/private fireworks displays  
Section xxx.070, Special effects for entertainment media  
Section xxx.080, Acts not prohibited – Signal purposes, forest protection, etc.  
Section xxx.090, Prohibition due to extreme fire danger  
Section xxx.100, Chapter in connection with state law  
Section xxx.110, Effective  
Section xxx.120, Enforcement  
Section xxx.130, Penalty for violations

### **SECTION-BY-SECTION SUMMARY OF PROPOSED CHANGES:**

Section xxx.010. Definitions: Add definition for consumer fireworks, display fireworks, extreme fire danger, fireworks, governing body, Clallam County Fire Marshal, public display, special effects.  
Section xxx.020. Applicability: Describes the sale and use of all fireworks.  
Section xxx.030. Delegation of authority: The Board delegates the authority it holds pursuant to Ch. 70.77 RCW and this Chapter to the Clallam County Fire Marshal or any designee of the Clallam County Fire Marshal.  
Section xxx.040. Possession, sale, transfer and discharge of fireworks unlawful without a permit: Describes it is unlawful for any person to possess, sell offer to sell, use, transfer, discharge or explode any fireworks within the unincorporated areas of Clallam County.  
Section xxx.050. Application for public/private fireworks display: Describes the application process.  
Section xxx.060. Standards for public/private fireworks displays: Describes standards and conditions for public/private fireworks displays.

Section xxx.070. Special effects for entertainment media: Does not prohibit the assembling, compounding, use and display of special effects.

Section xxx.080. Acts not prohibited – Signal purposes, forest protection, etc.: Describes signal purposes.

Section xxx.090. Prohibition due to extreme fire danger: Describes extreme fire danger usage.

Section xxx.100. Chapter in connection with state law: This Chapter is intended to augment Chapter 70.77 RCW, and shall be construed in connection with that law and any and all rules or regulations issued pursuant thereto.

Section xxx.110. Effective date: This Chapter shall take effect one year after its adoption by the Board.

Section xxx.120. Enforcement: The County Sheriff, or designee, is authorized to enforce all provisions.

Section xxx.130. Penalty for violations: Describes infractions and fines for violations

Publish: June 8

Bill: Board of Commissioners



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Loni Gores, Clerk of the Board

An ordinance creating a Chapter in the Clallam County Code titled Fireworks

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

**Section xxx.010, Definitions, is created to read as follows:**

For purposes of this Chapter, the following definitions apply:

(1) “Consumer Fireworks” means a type of “firework” as further defined in RCW 70.77.136 as currently enacted or hereafter amended.

(2) “Display Fireworks” means large fireworks designed primarily for display and classified as such by the U.S. Department of Transportation, as further set forth in RCW 70.77.131, as currently enacted or hereafter amended.

(3) “Extreme Fire Danger” is a status that may be declared by the Clallam County Fire Marshal at his or her discretion when present in the unincorporated County are both hot, dry weather for a period of not less than one week accompanied by low fuel moistures.

(4) “Fireworks” means any composition or device designed to produce a visible or an audible effect by combustion, deflagration or detonation, and which meets the definition of “articles pyrotechnic” as set forth in RCW 70.77.138, or the definition of “consumer fireworks” as set forth in RCW 70.77.136, or the definition of “display fireworks” as set forth in RCW 70.77.131, or as those statutes may be hereafter amended.

(5) “Governing Body” means the Clallam County Board of County Commissioners or “Board.”

(6) “Clallam County Fire Marshal” means the person appointed by the Board to serve in that position.

(7) “Public Display” means an entertainment feature where the public is invited, admitted or permitted to view the display or discharge of display fireworks.

(8) “Special Effects,” pursuant to RCW 70.77.146, (as currently enacted and hereafter amended) means any combination of chemical elements or chemical compounds capable of burning independently of the oxygen in the atmosphere, and designed and intended to produce an audible, visual, mechanical or thermal effect as an integral part of a motion picture, radio, television, theatrical or opera production or live entertainment.

**Section xxx.020, Applicability, is created to read as follows:**

The provisions of this Chapter shall be applicable to the sale and use of all fireworks except toy paper caps containing not more than twenty-five hundredths grain of explosive compound for each cap and trick or novelty devices not classified as consumer fireworks.

**Section xxx.030, Delegation of authority, is created to read as follows:**

The Board delegates the authority it holds pursuant to Ch. 70.77 RCW and this Chapter to the Clallam County Fire Marshal or any designee of the Clallam County Fire Marshal. Nothing in this delegation serves to reduce or repeal the legislative authority of the Board with respect to this Chapter and fireworks.

**Section xxx.040, Possession, sale, transfer and discharge of fireworks unlawful without a permit, is created to read as follows:**

It is unlawful for any person to possess, sell, offer to sell, use, transfer, discharge or explode any fireworks within the unincorporated areas of Clallam County, except for duly authorized public or private displays for which a permit has been issued under this Chapter.

**Section xxx.050, Application for public/private fireworks display, is created to read as follows:**

Applications for a permit to hold, conduct or operate a public/private display of fireworks shall be made to the Clallam County Fire Marshal at least 10 days prior to the scheduled event. Applicants shall meet all qualifications and permit requirements of state law regarding public display of fireworks and all fire and safety requirements as set forth in the standards for public display per Chapter 70.77 RCW. Applicant shall provide a copy of any approved public display permit to the local fire department at least seven days prior to the public fireworks display event. A person must be at least 18 years of age to make an application for the permit described here.

**Section xxx.060, Standards for public/private fireworks displays, is created to read as follows:**

All public/private fireworks displays shall conform to the following minimum standards and conditions:

(1) All public/private fireworks displays must be planned, organized and discharged by a State of Washington licensed pyro-technician.

(2) A permit must be obtained from the County and approved by the Clallam County Fire Marshal or designee per CCC [xxx.040](#) prior to any public/private display of fireworks. The permit shall include the name of the applicant; the applicant's address; the exact location, date and time of the proposed display; the number, type and class of fireworks to be displayed; the manner in which the fireworks are being stored prior to the display; and shall include the name and address of the insurance company providing the bond required and a photocopy of the policy per Chapter [70.77](#) RCW and CCC [xxx.040](#).

(3) A drawing shall be submitted to the Clallam County Fire Marshal showing a plan view of the fireworks discharge site and the surrounding area within a 300-foot radius. The drawing shall include all structures, fences, barricades, streets, fields, streams and any other significant factors that may be subjected to ignition or that may inhibit firefighting capabilities.

(4) When, at the discretion of the Clallam County Fire Marshal or Fire Chief having jurisdiction, such requirement is necessary to preserve the public health, safety and welfare, the permit may require that a fire department pumper and a minimum of four trained fire-fighters shall be on site 30 minutes prior to and after the shooting of the event.

(5) All combustible debris and trash shall be removed from the area of discharge for a distance of 300 feet in all directions.

(6) All unfired or "dud" fireworks shall be disposed of in a safe manner.

(7) A minimum of 20 gallons of water available for firefighting and one fire blanket shall be required to be at the fireworks discharge site.

(8) The permit may be immediately revoked at any time deemed necessary by the Clallam County Fire Marshal or designee due to any noncompliance, weather conditions, and/or period of extreme fire danger. The display may also be canceled by accidental ignition of any form of combustible or flammable material in the vicinity due to falling debris from the display.

(9) Areas of public access shall be determined by the Clallam County Fire Marshal or designee and maintained in an approved manner.

**Section xxx.070, Special effects for entertainment media, is created to read as follows:**

This Chapter does not prohibit the assembling, compounding, use and display of special effects of whatever nature by any person engaged in the production of motion pictures, radio or television productions, theatricals or operas when such use and display is a necessary part of the production and such person possesses a valid permit issued by the County to purchase, possess, transport or use such fireworks, and meets the requirements of CCC [xxx.060](#) (1) through (9).

**Section xxx.080, Acts not prohibited – Signal purposes, forest protection, etc, is created to read as follows:**

This Chapter does not prohibit the use of flares or fuses in connection with the operation of motor vehicles, motor or sail vessels, or other transportation agencies for signal purposes or illumination or for use in forest protection activities or those uses described in RCW [70.77.311](#).

**Section xxx.090, Prohibition due to extreme fire danger, is created to read as follows:**

During periods of extreme fire danger, as determined by the Clallam County Fire Marshal in consultation with the representatives of the fire districts/departments within the County, the Clallam County Fire Marshal may declare in writing a prohibition against the use of all fireworks, as that term is defined here. The prohibition shall be published once in the County's newspaper of record and also placed on the home page of the County's publicly-available web site.

**Section xxx.100, Chapter in connection with state law, is created to read as follows:**

This Chapter is intended to augment Chapter [70.77](#) RCW, and shall be construed in connection with that law and any and all rules or regulations issued pursuant thereto. Should there be a discrepancy between this Chapter and Ch. 70.77 RCW, the text deemed more stringent shall apply.

**Section xxx.110, Effective Date:**

This chapter shall take effect one year after its adoption by the Board.

**Section xxx.120, Enforcement, is created to read as follows:**

The County Sheriff, or designee, is authorized to enforce all provisions of this Chapter and, in addition to criminal sanctions or civil remedies, the County Sheriff may revoke any permit issued pursuant to this Chapter upon any failure or refusal of the permittee to comply with the orders and directives of the Clallam County Fire Marshal or designee.

**Section xxx.130, Penalty for violations, is created to read as follows:**

Any person violating or failing to comply with any provisions of this chapter is guilty of an infraction and subject to a fine of up to \$250.00.

ADOPTED this nineteenth day of June 2018

BOARD OF CLALLAM COUNTY COMMISSIONERS

\_\_\_\_\_  
Mark Ozias, Chair

\_\_\_\_\_  
Randy Johnson

ATTEST:

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Loni Gores, Clerk of the Board

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Bill Peach

DRAFT