

**EXHIBIT A TO ORDINANCE NO. 702**

**Chapter 9.20A UPMC  
Fireworks**

Sections

- 9.20A.010 Intent
- 9.20A.020 Prohibited Acts
- 9.20A.030 Exceptions
- 9.20A.040 Permits
- 9.20A.050 Violations and Penalties
- 9.20A.060 Chapter 70.77 RCW Entitled "State Fireworks Law" – Adoption by reference
- 9.20A.070 Applicability of Chapter
- 9.20A.080 Review by Council

9.20A.010. Intent

The University Place City Council certified Advisory Proposition 1 to the voters for the November 7, 2017 general election. Advisory Proposition 1 asked the following question: "Should the sale, possession and discharge of consumer fireworks be prohibited in the City of University Place?" A majority of voters answered in the affirmative.

The City Council, having determined that the prohibition of the sale, possession, and discharge of consumer fireworks is requested by the voters and is in the interests of the public health, safety, and welfare, establishes this ordinance to prohibit the sale, possession, and discharge of consumer fireworks, to establish the circumstances in which public displays of fireworks and fireworks used in theatrical presentations are permitted, and to establish the penalty for a violation of the ordinance.

9.20A.020. Prohibited acts

A. Except as permitted in this chapter, the sale, possession with the intent to sell or discharge, or discharge of fireworks of any kind within the city is prohibited.

B. It shall be unlawful for an owner of property, or a person renting, leasing, or who has control over the use of property, to knowingly permit the property that he or she owns, rents, leases or has control over, or any portion of any city roadway adjacent to such property, to be utilized for the discharge of fireworks when the discharge of fireworks is not properly permitted pursuant to this chapter.

C. It shall be unlawful for any person to deposit fireworks or parts of fireworks, whether discharged or not, in or upon any street, sidewalk or other public place, except when discharged fireworks or parts of discharged fireworks are deposited in private or public litter receptacles, and it shall be unlawful for an owner of property, or a person renting, leasing, or who has control over the use of property, to fail to remove fireworks or parts of fireworks, whether discharged or not, that are not contained in a litter receptacle from private property that is open to the public or open to public view within 72 hours of the deposit of such fireworks or parts of fireworks on the private property.

D. It shall be unlawful for any parent or guardian having custody or control of any minor to permit or knowingly allow such minor to sell, deliver, distribute, possess or discharge fireworks of any kind within the city.

9.20A.030 Exceptions

Notwithstanding the prohibition set forth in UPMC 9.20A.020, the following shall be permitted in the City of University Place:

1. The public display of fireworks authorized by permit issued by the city;
2. The use of articles pyrotechnic and special effects, when used in accordance with RCW 70.77.535 and when authorized by permit issued by the city;
3. The use by law enforcement or emergency response agencies of devices that may fall within the definition of firework, when such devices are used in furtherance of law enforcement or emergency response operations or training;
4. The transportation of consumer fireworks through the city as part of interstate commerce;
5. The use of flares to warn motor vehicles of road hazards; or the use of torpedoes, flares, or fuses by railroads or other government transportation agencies for signal purposes as provided in RCW 70.77.530;
6. The use of agricultural and wildlife fireworks when used in accordance with RCW 70.77.311;
7. The possession, storage, or transportation of fireworks that is incidental to the permitted uses in this subsection.
8. The use, possession and display of "trick and novelty devices," as defined by WAC 212-17-025.
9. The use, possession and display of the following consumer fireworks as outlined in WAC 212-17-025: "wire sparkler/dipped sticks," "Cylindrical fountains," and "Cone fountains."
10. The sale of fireworks by non-profit organizations for which the use and possession is allowed by subparts (7), (8) and (9) of this section.

#### 9.20A.040. Permits

A. Except to the extent that it is inconsistent with this section, the procedures, requirements and conditions set forth in Chapter 70.77 RCW, chapter 212-17 WAC, chapter 5.10 UPMC and the provisions of the most recent version of the International Fire Code (as adopted within this Code) which are applicable to the submittal, consideration, or granting of permits shall apply to the filing, review, and issuance of any permit required by this chapter, provided however, that such permit for the sale, possession or discharge of fireworks which would otherwise be prohibited by this chapter shall be issued by the Development Services Director or designee, in consultation with the local fire official and, as applicable, the fire code official.

B. In reviewing an application for a permit, the issuing official may consider relevant provisions in the fire codes, building codes, and health and sanitation codes adopted by the city in determining whether the discharge, possession, or storage of fireworks is performed in a safe manner or presents a risk to public health, safety, or welfare.

C. A permit will only issue under this section in the event a pyrotechnic operator licensed by the state of Washington is designated as the person to discharge the fireworks. The permit application shall designate the licensed pyrotechnic operator by name and Washington state license number.

D. As a condition of the issuance of any permit, the local fire official and the Development Services Director or designee shall each retain the authority to revoke a permit at any time due to safety concerns.

E. The fee for any permit issued in accordance with this chapter shall be set forth in the City's fee schedule.

#### 9.20A.050 Violations and penalties

A. It shall be a gross misdemeanor, for any person to:

1. Conduct an indoor or outdoor public display of fireworks without a properly issued city permit or in violation of a properly issued city permit;
2. Discharge special effects or articles pyrotechnic without a properly issued city permit or in violation of a properly issued city permit;

3. Make any misrepresentation of fact, or knowingly permit any misrepresentation of fact, on any application for a city permit required pursuant to this chapter; or

4. Possess or store in excess of 20 pounds of fireworks, except when such possession or storage is incidental to a properly issued city permit.

B. Any person violating any provision of this chapter for which no other penalty is specified shall be deemed to have committed a class 1 civil infraction as set forth in RCW 7.80.120 together with fees, costs and assessments. An infraction issued pursuant to this section shall be filed in the University Place Municipal Court and processed in the same manner as other infractions filed in the University Place Municipal Court.

C. In addition to criminal penalties, a person who violates this chapter is also liable for a civil penalty and for the costs incurred with enforcing this chapter and bringing the civil action, including court costs and reasonable investigative and attorneys' fees.

D. In addition to those individuals authorized by law or this Code to enforce this Code, the local fire official shall also have the authority to enforce the provisions of this chapter.

9.20A.060 Chapter 70.77 RCW Entitled "State Fireworks Law" – Adoption by reference

A. The words and phrases used in this chapter shall be given the definitions contained in Chapter 70.77 of the Revised Code of Washington ("RCW") as now enacted or hereafter amended or recodified.

B. Any reference to a section of the RCW or the Washington Administrative Code ("WAC") in this chapter shall refer to the chapter or section referenced and any amendment or recodification thereof.

C. The following RCW sections, as currently enacted or as hereinafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

70.77.120	Definitions—To govern chapter.
70.77.124	Definitions—"City."
70.77.126	Definitions—"Fireworks."
70.77.131	Definitions—"Display fireworks."
70.77.136	Definitions—"Consumer fireworks."
70.77.138	Definitions—"Articles pyrotechnic."
70.77.141	Definitions—"Agricultural and wildlife fireworks."
70.77.146	Definitions—"Special effects."
70.77.160	Definitions—"Public display of fireworks."
70.77.165	Definitions—"Fire nuisance."
70.77.170	Definitions—"License."
70.77.175	Definitions—"Licensee."
70.77.177	Definitions—"Local fire official."
70.77.180	Definitions—"Permit."
70.77.182	Definitions—"Permittee."
70.77.190	Definitions—"Person."
70.77.200	Definitions—"Importer."
70.77.205	Definitions—"Manufacturer."
70.77.210	Definitions—"Wholesaler."
70.77.215	Definitions—"Retailer."
70.77.230	Definitions—"Pyrotechnic operator."
70.77.236	Definitions—"New fireworks item."
70.77.241	Definitions—"Permanent storage"—"Temporary storage."
70.77.435	Seizure of Fireworks
70.77.440	Seizure of Fireworks – Proceedings for forfeiture – Disposal of confiscated fireworks.

- 70.77.488 Unlawful discharge or use of fireworks – Penalty
- 70.77.510 Unlawful sales or transfers of display fireworks – Penalty
- 70.77.515 Unlawful sales or transfers of consumer fireworks – Penalty
- 70.77.549 Civil penalty -- Costs

9.20A.070 Applicability of Chapter

This chapter supersedes all provisions of the municipal code relative to the use, possession or discharge of fireworks within the City that may be in conflict.

9.20A.080 Review by Council

Not later than twelve months after the effective date of this chapter and annually thereafter for thirty-six months, the City Manager or Designee shall report to the City Council information which the Council may deem advisable on the effectiveness of this chapter.