

ORDINANCE NUMBER 40-16

**AMENDMENTS MASON COUNTY CODE TITLE 14, BUILDING AND CONSTRUCTION,
ADDING NEW CHAPTER 14.19, SALE AND DISCHARGE OF FIREWORKS**

WHEREAS, The State of Washington regulates the sale and discharge of fireworks in RCW 70.77; and

WHEREAS, RCW 70.77.395(3) authorizes a city or county to adopt ordinances establishing regulations regarding the sale, possession or discharge of fireworks that are more restrictive than state law; and

WHEREAS, RCW 70.77.250(4) requires that locally adopted regulations regarding the sale, possession or discharge of fireworks that are more restrictive than state law shall have an effective date no sooner than one year after their adoption; and

WHEREAS, there is no current Mason County Codes outside of those for County Parks and Fairgrounds that pertains to the sales and discharge of fireworks; and

WHEREAS, the Board of County Commissioners recognize the need for Mason County Code to identify provisions for the discharge and sales of Fireworks; and

WHEREAS, the Board of County Commissioners finds that the one-year effective date for implementation of restrictions more stringent than state law does not provide adequate protection for the public health, safety and welfare as well as the protection of public and private property within Mason County during emergency conditions; and

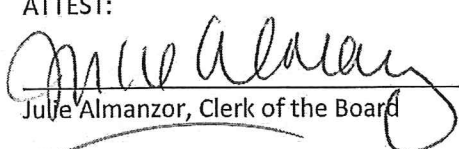
WHEREAS, by the adoption of this Ordinance, the Board of County Commissioners desires to provide a means to limit the sale, possession, or discharge of fireworks during emergency conditions.

BE IT HEREBY ORDAINED, the Mason County Board of Commissioners hereby approves and ADOPTS revisions to Title 14 adding Chapter 14.19 as submitted and described in ATTACHMENT A.

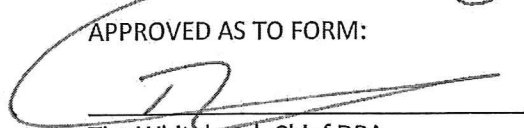
DATED this 12 day of July, 2016.


Board of Commissioners
Mason County, Washington


ATTEST:

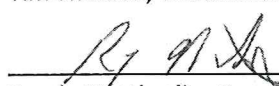

Julie Almanzor, Clerk of the Board

APPROVED AS TO FORM:


Tim Whitehead, Chief DPA


Terri Jeffreys, Chair


Tim Sheldon, Commissioner


Randy Neatherlin, Commissioner

TITLE 14
BUILDING AND CONSTRUCTION

[NEW]

CHAPTER 14.19 - SALE AND DISCHARGE OF FIREWORKS

14.19.010 Discharge.

Consumer fireworks shall only be discharged in accordance with RCW 70.77.

14.19.020 Sales

Retail sales of Class C common fireworks may only be sold in accordance with RCW 70.77.

14.19.030 Fireworks Permits

No person, firm or corporation shall import, manufacture, transport (except as public carrier delivering to a licensee), possess, store, sell or offer to sell at retail or wholesale, or discharge fireworks in unincorporated portions of Mason County without first obtaining a permit from the Mason County Fire Marshal's Office, Department of Community Services. Exception: No permit is required for the sale or use of agricultural or wildlife fireworks exempted from licensing by the State Fire Marshal by the provisions of Chapter 70.77 RCW; and no permit is required for the private possession, transportation or discharge of consumer fireworks as defined in WAC 212-17-035 during the authorized use periods. Permits required by this section shall be issued or denied by the Fire Marshal's Office and subject to the same approval and appeal procedure.

1. Applications for permits required by this chapter shall be submitted in such form and detail as prescribed by the fire marshal. A separate application shall be required for each site and activity. Applications shall include as a minimum:
 - a. The applicable fee;
 - b. Appropriate state licenses;
 - c. Insurance certificate(s);
 - d. A site or discharge plan; and
 - e. The names, addresses and telephone numbers of the applicant(s) and responsible party(ies).
2. Permit applications shall be received by the fire marshal:
 - a. No later than 4:30 p.m. on May 15th. If May 15th is a weekend then applications must be received by the Friday before.
 - b. Not less than ten business days prior to the date of an intended public display; and
 - c. Prior to commencing a permitted activity for all other uses.
3. In addition to the other requirements of this chapter or Chapter 70.77 RCW:
 - a. Applicants for firework retail sales or public display permits shall procure and maintain a policy or policies of public general liability, bodily injury and property damage insurance in a company or companies approved by the county in the minimum amount of one million dollars (\$1,000,000) single limit; Mason County shall be named as an additional insured.
 - b. Retail sales of fireworks shall occur only from temporary structures and such structures are limited in location to those zones wherein commercial or industrial activities are authorized.

14.19.040 Supervision of Public Displays.

All public fire work displays shall be conducted or supervised by a pyrotechnic operator licensed in accordance with the laws of the State of Washington

14.19.050 Emergency restrictions.

If drought or other conditions identified by the Mason County Fire Marshal or designee pose a threat to the public health, safety and welfare, the Board of County Commissioners may enact an emergency resolution limiting the sale and/or use of fireworks. Emergency limitations shall be temporary and not longer than 60 days and the reasons necessitating the emergency limitations shall be clearly defined in the resolution. This section does not pertain to professional pyrotechnic operated displays permitted by Mason County and Washington State.

14.19.060 Enforcement.

The provision of this chapter may be enforced either by the Mason County sheriff's Office, the Mason County Fire Marshal or designee. Authorized representatives of the Mason County Sheriff's Office or the Mason County Fire Marshal's office may issue a citation or a notice of infraction for any violation of this Ordinance or section of the county code if the authorized representative reasonably believes that any provision of this chapter has been violated. Violating any provision of this chapter, RCW 70.77, WAC 212-17, or a lawful order issued by the Fire Marshal shall be grounds for the revocation of a fireworks permit.

1. Any fireworks sold, possessed, offered for sale, discharged or transported in violation of the provisions of this chapter shall be subject to seizure by the Fire Marshal or law enforcement authority.
2. The Fire Marshal may dispose of any seized fireworks by summary destruction at any time after the appeal deadline has passed or on order or judgment approving destruction.

14.19.070 ELIGIBILITY FOR APPEALS.

Administrative determinations made under this Chapter, including those resulting in the seizure of unpermitted or unauthorized fireworks, may be appealed to the Mason County Hearing Examiner, in accordance with Mason County Code, Section 15.11.

14.19.080 Violation- Penalty

Violation of the ordinance codified in this chapter shall be provided by Section 1.04.010 of the Mason County Code.

14.19.090 Typographical/Clerical Errors. Should this Ordinance, upon being enacted by the Mason County Board of Commissioners during its deliberations have anything inadvertently left out or in error upon publication, the explicit action of the Board as discussed and passed shall prevail upon subsequent review and verification by the Board.

14.19.100 Severability. If any provision of this ordinance or its application to any person or circumstance is held to be invalid or unconstitutional, the remainder of the ordinance or its application to other persons or circumstances shall not be affected.

14.19.110 Effective date. The provisions of this ordinance shall become effective one year after its adoption.