



City of Everett Municipal Code

Fire Works

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16.60.010 Definitions.

For the purpose of this chapter, the following words shall mean:

A. “Agricultural and wildlife fireworks” includes fireworks devices distributed to farmers, ranchers and growers through a wildlife management program administered by the United States Department of the Interior or an equivalent state or local governmental agency.

B. “Articles pyrotechnic” means pyrotechnic devices for professional use, similar to consumer fireworks in chemical composition and construction but not intended for consumer use, which meet the weight and limits for consumer fireworks but which are not labeled as such, and which are classified as UNO431 or UNO432 by the United States Department of Transportation at 49 CFR 172.101 as of the effective date of the ordinance codified in this section.

C. “Consumer fireworks” means any small firework device designed to produce visible effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission, as set forth in 16 CFR Parts 1500 and 1507, and including some small devices designed to produce audible effects, such as whistling devices, ground devices containing fifty milligrams or less of explosive materials, and aerial devices containing one hundred thirty milligrams or less of explosive materials, and classified as fireworks UNO336 by the United State Department of Transportation at 49 CFR 172.101 as of the

effective date of the ordinance codified in this section, and not including fused set pieces containing components which together exceed fifty milligrams of salute powder.

D. "Display fireworks" means large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation, and includes, but is not limited to, salutes containing more than two grains (one hundred thirty milligrams) of explosive materials, aerial shells containing more than forty grams of pyrotechnic compositions, and other display pieces which exceed the limits of explosive materials for classification as "consumer fireworks," and are classified as fireworks UNO333, UNO334, or UNO335 by the United States Department of Transportation at 49 CFR 172.101 as of the effective date of the ordinance codified in this section, and including fused set pieces containing components which exceed fifty milligrams of salute powder.

E. "External packaging" means any materials that are not an integral part of the operative unit of the fireworks.

F. "Fireworks" means any composition or device designed to produce a visible or audible effect by combustion, deflagration, or detonation, and which meets the definition of "articles pyrotechnic" or "consumer fireworks" or "display fireworks."

G. "Permit" means the official permission granted by a city or county for the purpose of establishing and maintaining a place within the jurisdiction of the city or county where fireworks are manufactured, constructed, produced, packaged, stored, sold, or exchanged and the official authorization granted by a city or county for a public display of fireworks.

H. "Person" includes any individual, firm, partnership, joint venture, association, concern, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.

I. "Public display of fireworks" means an entertainment feature where the public is or could be admitted or allowed to view the display or discharge of display fireworks.

J. "Pyrotechnic operator" includes any individual who by experience and training has demonstrated the required skill and ability for safely setting up and discharging display fireworks.

K. "Retailer" includes any person who, at a fixed location or place of business, offers for sale, sells, or exchanges for consideration consumer fireworks to a consumer or user.

L. "Special effects" means any combination of chemical elements or chemical compounds capable of burning independently of the oxygen of 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.

M. "Wholesaler" includes any person who sells fireworks to a retailer or any other person for resale and any person who sells display fireworks to public display licensees. (Ord. 3076-08 § 1, 2008; Ord. 2624-02 § 1, 2002; Ord. 1041-84 § 1, 1984)

16.60.015 Acts prohibited without appropriate licenses and permits—Minimum age for permit.

A. Except as otherwise provided in this chapter or in Chapter 70.77 RCW, no person, without appropriate state licenses as required by Chapter 70.77 RCW and city permit, may:

1. Manufacture or import fireworks, or sell fireworks at wholesale or retail for any use;
2. Transport fireworks, except as a licensee or public carrier delivering to a licensee;
3. Make a public display of fireworks;
4. Assemble, compound, use or display articles pyrotechnic or special effects; or
5. Knowingly manufacture, import, transport, store, sell or possess with intent to sell, as fireworks, explosives, as defined under RCW 70.74.010, that are not fireworks, as defined under this chapter.

B. No person less than eighteen years of age may apply for or receive a permit under this chapter. (Ord. 3076-08 § 2, 2008)

16.60.020 Permit—Required.

Repealed by Ord. 3076-08. (Ord. 2624-02 § 4, 2002; Ord. 2179-96 § 1, 1996; Ord. 1041-84 § 4, 1984)

16.60.030 Permit—Application.

A. Any person desiring to do any act mentioned in Section [16.60.015](#)(A) (1) or (2) shall apply in writing to the city's fire marshal or designee.

B. Any person desiring to do any act mentioned in Section [16.60.015](#)(A) (4) shall apply in writing to the city's fire marshal or designee for a permit.

C. Any person desiring to put on a public display of fireworks under Section [16.60.015](#)(A) (3) shall apply in writing to the city's fire marshal or designee for a permit. Application for a permit under this subsection shall be made at least thirty days in advance of the proposed display. (Ord. 3076-08 § 3, 2008; Ord. 1146-85 § 2, 1985; Ord. 1041-84 § 5, 1984)

16.60.040 Permit—Application—Bond.

A. Except where a general license for public display has been granted pursuant to RCW 70.77.355, the applicant for a permit under Section [16.60.030](#)(C) for a public display of fireworks shall include with the application evidence of a bond issued by an authorized surety company. The bond shall be conditioned upon the applicant's payment of all damages to persons or property resulting from or caused by such public display of fireworks, or any negligence on the part of the applicant or its agents, servants, employees or subcontractors in presentation of the display. Instead of a bond, the applicant may include a certificate of insurance evidencing the carrying of appropriate public liability insurance for the benefit of the person named therein as assured, as evidence of ability to respond in damages. The city attorney shall approve the bond or insurance if it meets the requirements in this section.

B. The amount of the surety bond or certificate of insurance required by this section shall not be less than fifty thousand dollars and one million dollars for bodily injury liability for each person and event, respectively, and not less than twenty-five thousand dollars for property damage liability for each event. (Ord. 3076-08 § 4, 2008; Ord. 1041-84 § 7, 1984)

16.60.050 Permit—Fees.

The original and annual renewal permit fee for any act requiring a permit shall be ten dollars. (Ord. 3076-08 § 5, 2008; Ord. 1146-85 § 5, 1985; Ord. 1041-84 § 18, 1984)

16.60.060 Permit—Application investigation.

A. The city's fire marshal or designee, upon receiving an application for a permit under Section [16.60.030](#)(A), shall investigate the application and submit a report of findings and a recommendation for or against the issuance of the permit, together with reasons, to the city council. If the application meets the requirements of applicable city ordinances and Chapter 70.77 RCW, the city council or its designee shall grant an application for permit under this subsection and may place reasonable conditions on the permit. If the application does not meet requirements of applicable city ordinances and Chapter 70.77 RCW, the city council or its designee shall deny the application for a permit.

B. The city's fire marshal or designee, upon receiving an application for a permit under Section [16.60.030](#)(C) for a public display of fireworks, shall investigate whether the character and location of the display as proposed would be hazardous to property or dangerous to any person. Based on the investigation, the fire marshal or designee shall submit a report of findings and a recommendation for or against the issuance of the permit with reasons to the city council. The city council may grant or deny the application and may place reasonable conditions on any permit it issues. (Ord. 3076-08 § 6, 2008; Ord. 1146-85 § 3, 1985; Ord. 1041-84 § 6, 1984)

16.60.070 Public display permit—Certificate of general license filed with application.

An individual who has received a general license for a public display under RCW 70.77.355 shall file a certificate from the State Fire Marshal evidencing the license with any application for a local permit for the public display of fireworks under Section [16.60.030](#)(C). (Ord. 3076-08 § 7, 2008: Ord. 1041-84 § 9, 1984)

16.60.080 Public display permit—Exclusive use.

If a permit under Section [16.60.030](#)(C) for a public display of fireworks is granted, the sale, possession and use of fireworks for the public display is lawful for that purpose only. The permit granted is not transferable. (Ord. 3076-08 § 8, 2008: Ord. 1041-84 § 8, 1984)

16.60.090 Discharge of fireworks prohibited.

A. No person may discharge fireworks at any place within the city limits of Everett except as authorized by this chapter; provided, that consumer fireworks and such audible ground devices as firecrackers, salutes and chasers may be purchased and/or used by religious organizations or private organizations or persons if purchased from a licensed manufacturer, importer, or wholesaler for use on prescribed dates and locations, for religious or specific purposes, upon obtaining a permit therefore from the city fire marshal or his designee pursuant to Section [16.60.030](#)(B). A violation of this section shall be punished as follows:

B. Except as otherwise provided in subsection C of this section, violation of this section is a non-traffic infraction, punishable by a fine of one hundred twenty-five dollars. All public safety and education assessments (PSEA) required by state law shall be added to the base penalty described herein. Remission of PSEA money shall be as set forth in state law and cannot be suspended or waived. Municipal court judges and judges pro tem shall have discretion to assess additional penalties for failure to pay or respond to notices of infraction issued under this section as otherwise allowed by law.

C. Any person who violates this section a second or more time within a five-year period shall be guilty of:

1. A misdemeanor if the amount of fireworks possessed involved less than one pound of fireworks, exclusive of external packaging; or
2. A gross misdemeanor if the amount of fireworks possessed involved one pound or more of fireworks, exclusive of external packaging.

D. A record of arrest in any local, state or federal database shall constitute prima facie proof of a previous violation for purposes of determining the penalty for violation of this section. (Ord. 3076-08 § 9, 2008: Ord. 2624-02 § 4, 2002: Ord. 2179-96 § 3, 1996: Ord. 1146-85 § 1, 1985; Ord. 1041-84 § 3, 1984)

16.60.100 Supervision of public display.

Every public display of fireworks shall be handled or supervised by a pyrotechnic operator licensed by the Chief of the Washington State Patrol, through the director of fire protection, under RCW 70.77.255. (Ord. 3076-08 § 10, 2008: Ord. 1041-84 § 11, 1984)

16.60.105 Sale of fireworks prohibited.

Unless otherwise allowed by permit granted under the provisions of this chapter, no fireworks shall be sold within the city limits of Everett. A violation of this section is a gross misdemeanor. (Ord. 2179-96 § 2, 1996)

16.60.110 Sale of consumer fireworks prohibited.

In addition to the ban on the sale, purchase, possession, use and discharge of consumer fireworks generally provided within the city contained in this chapter, in accordance with Chapter 370, Section 31 of the Second Substitute Senate Bill 6080 of the Laws of 2002, the city hereby prohibits the sale, purchase, possession, use and discharge of consumer fireworks on December 27, 2002, through December 31, 2002, and thereafter as provided in RCW 70.77.250(4). (Ord. 2624-02 § 2, 2002)

16.60.112 Prohibited fireworks.

Repealed by Ord. 2179-96. (Ord. 1792-91 § 2, 1991)

16.60.114 Hours of discharge.

Repealed by Ord. 2179-96. (Ord. 2101-95 § 2, 1995: Ord. 1792-91 § 3, 1991)

16.60.116 Discharge of aerial devices—Prohibited.

Repealed by Ord. 2179-96. (Ord. 1792-91 § 4, 1991)

16.60.118 Sale to minors.

Repealed by Ord. 2179-96. (Ord. 1792-91 § 5, 1991)

16.60.120 Sale—Posting of list of saleable fireworks.

Repealed by Ord. 2179-96. (Ord. 1041-84 § 2, 1984)

16.60.130 Storage of fireworks.

It is unlawful for any person to store fireworks of any class without a permit for such storage from the city fire marshal or designee. A person proposing to store fireworks shall apply in writing to the city fire marshal or designee at the time he or she submits an application for a permit to engage in activities identified in Section [16.60.015\(A\)\(1\)](#) through (4). The city fire marshal or designee receiving the application for a storage permit shall investigate whether the character and location of the storage as proposed would constitute a hazard to property or be dangerous to any person. Based on the investigation, the fire marshal or designee may grant or deny the application. The fire marshal or designee may place reasonable conditions on any permit granted. (Ord. 3076-08 § 11, 2008: Ord. 1041-84 § 12, 1984)

16.60.140 Possession of fireworks prohibited.

A. Unless otherwise allowed under the provisions of this chapter, it is unlawful to possess any class or kind of fireworks within the city limits of Everett. A violation of this section shall be punished as follows:

B. Except as otherwise provided in subsection C of this section, violation of this section is a non-traffic infraction, punishable by a fine of one hundred twenty-five dollars. All public safety and education assessments (PSEA) required by state law shall be added to the base penalty described herein. Remission of PSEA money shall be as set forth in state law and cannot be suspended or waived. Municipal court judges and judges pro tem shall have discretion to assess additional penalties for failure to pay or respond to notices of infraction issued under this section as otherwise allowed by law.

C. Any person who violates this section a second or more time within a five-year period shall be guilty of:

1. A misdemeanor if the amount of fireworks possessed involved less than one pound of fireworks, exclusive of external packaging; or

2. A gross misdemeanor if the amount of fireworks possessed involved one pound or more of fireworks, exclusive of external packaging.

D. A record of arrest in any local, state or federal database shall constitute prima facie proof of a previous violation for purposes of determining the penalty for violation of this section. (Ord. 3076-08 § 12, 2008; Ord. 2179-96 § 4, 1996; Ord. 1041-84 § 13, 1984)

16.60.150 Articles pyrotechnic, special effects for entertainment media.

The assembling, compounding, use, and display of articles pyrotechnic or special effects in the production of motion pictures, radio or television productions, or live entertainment shall be under the direction and control of a pyrotechnic operator licensed by the state of Washington and who possesses a valid permit from the city or county. Applicants for a permit under Section [16.60.030\(B\)](#) must provide evidence of the permittee's insurance carrier or financial responsibility. (Ord. 3076-08 § 13, 2008; Ord. 2624-02 § 3, 2002)

16.60.160 Violation—Unlawful discharge of fireworks.

Repealed by Ord. 2179-96. (Ord. 1041-84 § 15, 1984)

16.60.170 Seizure of fireworks.

A. Except as provided in subsection B of this section, any fireworks which are illegally sold, offered for sale, used, discharged, possessed or transported in violation of this chapter shall be subject to seizure by the city's fire marshal or his designee or the chief of police or his designee or the State Fire Marshal. Any fireworks seized may be disposed of by the city's fire marshal or designee by distribution at any time subsequent to thirty days from such seizure or ten days from the termination of proceedings under Section [16.60.180](#).

B. Any fireworks seized pursuant to Section [16.60.090](#) or [16.60.140](#) shall be subject to seizure by the city's fire marshal or his designee or the chief of police or his designee or the State Fire Marshal and may be disposed of immediately. (Ord. 3076-08 § 14, 2008; Ord. 1041-84 § 16, 1984)

16.60.180 Seizure proceedings.

A. Seized fireworks under Section [16.60.170\(A\)](#) may be returned after a petition is filed and, if requested, a hearing held proves the fireworks were illegally or erroneously seized.

B. Any person whose fireworks are seized under Section [16.60.170\(A\)](#) may within ten days after such seizure petition the city fire marshal or State Fire Marshal to return the fireworks seized upon the ground that such fireworks were illegally or erroneously seized. Any petition filed hereunder shall be considered by the city fire marshal or State Fire Marshal within fifteen days after filing and an oral hearing granted the petitioner, if requested. Notice of the decision of the city fire marshal or State Fire Marshal shall be served upon the petitioner. The city fire marshal or State Fire Marshal may order the fireworks seized to be disposed of or returned to the petitioner if illegally or erroneously seized. The determination of the city fire marshal or State Fire Marshal is final unless within sixty days an action is commenced in a court of competent jurisdiction for the recovery of the fireworks seized by the city fire marshal or State Fire Marshal.

C. If seized fireworks are not returned to the petitioner or destroyed, the city fire marshal or State Fire Marshal may sell confiscated consumer fireworks to wholesalers properly licensed in accordance with all applicable state laws and regulations. Sale shall be by public auction after publishing a notice of the date, place and time of the auction in a newspaper of general circulation in Snohomish County at least three days before the date of the auction. Proceeds of the sale of seized fireworks shall be deposited in a general fund. Fireworks that are not legal for use and possession shall be destroyed. (Ord. 3076-08 § 15, 2008; Ord. 2624-02 § 5, 2002; Ord. 1041-84 § 17, 1984)

16.60.190 Violations—Penalty.

Where a violation of this chapter is designated as a gross misdemeanor, said violation shall be punishable by a fine of not more than five thousand dollars or not more than one year in jail or both such fine and imprisonment. Any other violation of this chapter shall be a misdemeanor punishable by a fine of not more than one thousand dollars or not more than ninety days in jail or both such fine and imprisonment. (Ord. 1041-84 § 19, 1984)

16.60.200 Purpose and intent—Liability.

A. It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

B. It is the specific intent of this chapter that no provision nor any term used in this chapter is intended to impose any duty whatsoever upon the city or any of its officers or employees, for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.

C. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from the failure of a permittee to comply with the provisions of this chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement pursuant to this chapter, or by reason of any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees or agents. (Ord. 1041-84 § 22, 1984)

Reference EMC chapter 16.60