

**AN ORDINANCE BANNING ALL FIREWORKS WITHOUT A PERMIT,
AMENDING SAN JUAN COUNTY CODE CHAPTER 9.20 AND PROVIDING
FOR PENALTY FOR VIOLATIONS**

WHEREAS, the County Council is concerned about public safety and desires to protect the public from injuries and fires resulting from indiscriminate use of fireworks; and

WHEREAS, the County Council finds that this ordinance satisfies the health, safety and public welfare of the people of San Juan County; and

WHEREAS, the County Council conducted a duly advertised public hearing and has received public testimony.

NOW, THEREFORE, BE IT ORDAINED by the County Council of San Juan County, State of Washington, as follows:

Section 1. Purpose. The purpose of this ordinance is to amend certain sections of Chapter 9.20 of the County Code to make unlawful the sale, possession or discharge of fireworks without a permit.

Section 2. Definitions. SJCC 9.20.010, Ordinance 14-2000 § 5, and Ordinance 100-1993 (Formerly 15.05.010) are amended to read as follows:

A. "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.

~~A. Lawful Fireworks. Fireworks which may be lawfully discharged by the public from 9:00 a.m. to 12:00 p.m. on July 4th as defined in Chapter 70.77 RCW. This shall not pertain to duly authorized public or private displays. This includes:~~

~~1. "Cylindrical fountain" means cylindrical tubes containing pyrotechnic composition. Upon ignition a shower of colored sparks, and sometimes a whistling effect, is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base foundation), or a wood or cardboard handle, if intended to be hand held (hand fountain).~~

~~2. "Combination items" means firework devices containing combinations of two or more of the effects in this section.~~

~~3. "Cone fountain" means a cardboard or heavy paper cone containing pyrotechnic composition. The effect is the same as that of a cylindrical fountain.~~

4. ~~"Flitter sparklers" means a narrow paper tube filled with pyrotechnic composition that produces smoke and sparks upon ignition. The paper at one end of the tube is ignited to make the device function.~~

5. ~~"Ground spinner" means a small device similar to a wheel in design and effect and placed on the ground and ignited. A shower of sparks and color is produced by the rapidly spinning device.~~

6. ~~"Helicopter, aerial spinner" means a tube containing pyrotechnic composition. A propeller or blade is attached, which upon ignition lifts the rapidly spinning device into the air. A visible or audible effect is produced at the height of flight.~~

7. ~~"Illuminating torch" means a cylindrical tube containing pyrotechnic composition. Upon ignition colored fire is produced. May be spike, base or hand held.~~

8. ~~"Mine, shell" means a heavy cardboard or paper tube attached to a wood or plastic base and containing pyrotechnic composition. Upon ignition, "stars," firecrackers, or other devices are propelled into the air. The tube remains on the ground.~~

9. ~~"Roman candle" means a heavy paper or cardboard tube attached to a wood or plastic base and containing pyrotechnic composition. Upon ignition, up to 10 "stars" (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several second intervals.~~

10. ~~"Smoke device" means a tube or sphere containing pyrotechnic composition that upon ignition produces white or colored smoke as the primary effect.~~

11. ~~"Sparkler" means a stick or wire coated with pyrotechnic composition that produces a shower of sparks upon ignition.~~

12. ~~"Wheel" means a pyrotechnic device attached to a post or tree by means of a nail or string. Each wheel may contain up to six "driver" units containing pyrotechnic composition.~~

~~B. Unlawful Fireworks. Fireworks which are unlawful to possess, transport or discharge at any time in San Juan County and defined in Chapter 70.77 RCW. This shall not pertain to duly authorized public or private displays. This includes:~~

~~1. "Chaser" means a small paper or cardboard tube that travels along the ground upon ignition. A whistling effect, or other noise, is often produced.~~

~~2. "Firecracker, salutes" means a small paper wrapped or cardboard tube containing pyrotechnic composition. Upon ignition, noise and a flash of light is produced.~~

~~3. "Missile type rocket" means a device similar to a sky rocket in size, composition and effect that uses fins rather than a stick for guidance and stability.~~

~~4. "Sky rocket" means tubes that may contain pyrotechnic composition. Sky rockets contain a wood stick for guidance and stability and rise into the air upon ignition. A burst of color or noise, or both, is produced at the height of flight.~~

~~B. C. "Public display" means an entertainment feature where the public is invited, admitted or permitted to view the display or discharge of display special fireworks.~~

C. ~~D.~~ "Special effects," pursuant to RCW 70.77.146, 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 a necessary part of a motion picture, radio, television production, theatrical or opera production, or live entertainment.

D. "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.

E. "Extreme fire danger" means a period of hot, dry weather accompanied by low fuel moistures. It is during this period that wildland fires can be expected and fire growth will be accelerated.

Section 3. Possession, sale, transfer and discharge of fireworks unlawful without a permit. SJCC 9.20.030, Ordinance 14-2000 § 5, and Ordinance 100-1993 (Formerly 15.05.030) are amended to read as follows:

It is unlawful for any person to possess, sell, offer to sell, use, transfer, discharge or explode any fireworks, ~~other than those defined in SJCC 9.20.010(A)(1) through (12),~~ within the unincorporated areas of San Juan County, except for . This section shall not pertain to duly authorized public or private displays for which a permit has been issued under this chapter.

Section 4. Applicability. SJCC 9.20.090, Ordinance 14-2000 § 5, and Ordinance 100-1993 (Formerly 15.05.090) are amended to read as follows:

The provisions of this chapter shall be applicable to the sales 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 common fireworks.

Section 5. Repealer. The following sections of the San Juan County Code and the implementing ordinances are hereby repealed:

Section 9.20.020 of the San Juan County Code, which codified Ordinance 14-2000 § 5, and Ordinance 100-1993 (Formerly SJCC 15.05.020).

Section 6. Penalty for Violations. The penalty provisions of SJCC 9.20.120 shall apply to violations of this ordinance. Pursuant to SJCC 9.20.120 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.

Section 7. Effective Date.

In accordance with RCW 70.77.250(4), this Ordinance shall be effective one year after adoption.

Section 8. Codification.

Sections 2 through 5 shall be codified.