

ORDINANCE NO. 142
BEFORE THE BOARD OF COUNTY COMMISSIONERS
PACIFIC COUNTY, WASHINGTON

AN ORDINANCE REGULATING THE SALE AND USE OF FIREWORKS.

Section 1. Fireworks Permits.

This section only applies to areas of Pacific County in which the sale of fireworks is not regulated by another local jurisdiction including fire districts. In areas where no other local jurisdiction regulates the sale of fireworks, the selling of permitted fireworks under state law shall be limited to permitted fireworks stands and shall not be allowed in a retail establishment selling nonfirework items. For permit applications received pursuant to this Ordinance, the Director of Department of Community Development shall place such restrictions on the numbers, locations, placement and size of fireworks stands and shall attach such conditions to said permit as deemed appropriate to preserve public health, safety, and welfare. All permit applicants shall meet the following minimum requirements:

- A. The location of fireworks stands shall conform to the Pacific County Comprehensive Zoning Ordinance.
- B. The applicant shall submit a Development Permit Application for each proposed fireworks stand and shall include a legal description of the property, a letter from the property owner authorizing the placement of the stand on the property, a site map indicating the location of the stand and the distances from property lines and structures, and such other information as deemed necessary.
- C. A retail sales permit application fee and a fee for the first inspection shall be submitted with the application. If more than one (1) inspection is required, additional inspection fees shall be submitted prior to inspection. The fee schedule shall be as set forth by resolution of the Board of County Commissioners.
- D. Permits are non-transferable.

Prior to the operation of a stand, an inspection shall be made by the Director of the Department of Community Development or his/her designee to verify compliance with the requirements set forth in this Ordinance. The applicant shall notify the Department of Community Development at least twenty-four (24) hours in advance that the stand is ready for inspection.

Section 2. Limitations on the Discharge of Fireworks.

In addition to any Washington State statute or regulation limiting the discharge of fireworks, it is unlawful to discharge fireworks westerly of the most westerly improved public road from the northern border of Fort Canby State Park to the tip of Leadbetter Point (excluding the City of Long Beach) and from Toke Point to the

boundary line with Grays Harbor County. This provision shall not apply to fireworks that are discharged toward the ocean from a location that is at least 150 feet west of any dune grass that is visible from the discharge site.

Section 3. Administration.

The Pacific County Director of the Department of Community Development is hereby appointed as Administrator of the provisions of this Ordinance and is directed to take the necessary action to establish the procedure, organization, and personnel to provide for the orderly and timely implementation of the provisions of this Ordinance.

Section 4. Violation - Penalty.

Any person who violates this Ordinance is guilty of a misdemeanor and each violation shall be deemed a separate offense. Any person convicted of a misdemeanor under the provisions of this Ordinance shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than (90) days, or by a fine in an amount fixed by the court of not more than one thousand (\$1000.00) dollars, or by both such imprisonment and fine. A conviction under this Ordinance and subsequent application of penalty shall not relieve the violator from compliance under this Ordinance.

Section 5. Additional or Alternative Action.

Nothing contained in this Ordinance shall prevent Pacific County from taking any other lawful action to prevent or remedy any violation of this Ordinance.

Section 6. Compliance With Laws and Ordinances.

It is the sole responsibility of the applicant to obtain all other required permits and approvals and to comply with all other rules, regulations, or applicable laws.

Section 7. Severability.

If any section, subsection, or other portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, or portion thereof shall be deemed a separate provision of this Ordinance and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 8. Repeal of Prior Ordinances Pertaining to Fireworks.
Ordinance Nos. 23A, 23B, and 23C are hereby repealed.

Section 9. Effective Date.

This Ordinance shall be in full force and effect from the date of adoption by the Board of Pacific County Commissioners.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS on this 3rd day of July, 1995, and signed in authentication of its passage this 3rd day of July, 1995.

ATTEST:

Kathy Noren
Kathy Noren
Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
PACIFIC COUNTY, WASHINGTON

Pat Hamilton
Chairperson

Jon C. Kaino Jr.
Commissioner

APPROVED AS TO FORM:

David Burke
David Burke, Special Civil
Attorney for the Board of
County Commissioners

Robert H. Gibson
Commissioner

