



OPERATING POLICY 8

FIREWORKS



Kirkland Fire/Building Department • 123 Fifth Avenue, Kirkland, WA 98033 • (425) 587-3650

The purpose of this policy is to provide information regarding the City of Kirkland's regulations regarding fireworks. Kirkland Municipal Code 11.60.030 states:

Possession, use and discharge of fireworks unlawful.

Except as authorized by state license and city permit granted pursuant to RCW 70.77.260(2) (public display) or RCW 70.77.311(2) (use by group or individual for religious or other specific purpose on approved date and at an approved location), it is unlawful for any person, firm, or corporation to engage in the retail sale of, or to sell, possess, use, transfer, discharge or explode any fireworks of any kind within the city.

Full text of the Kirkland Municipal Code Chapter 11.60 regarding fireworks is attached.

Thus, it is unlawful for any person, firm, or corporation to engage in the retail sale of, or to sell, possess, use, transfer, discharge or explode any fireworks of any kind within the city.

Exceptions:

- Public displays performed by a licensed pyrotechnician
- Proximate fireworks (includes theatrical use of fire)
- Sparklers at specific events such as weddings, religious services, etc.

All activities related to public displays and proximate fireworks shall be in accordance with RCW 70.77 and WAC 212-17.

Requirements for Public Displays

A permit must be obtained from the Kirkland Fire Department. The cost of the permit is \$100. The permit application must be filed no later than 10 business days prior to the proposed discharge date and must include the following:

- Exact location, date and time of the proposed display
- The number, type and class of fireworks to be displayed.
- The manner in which the fireworks are being stored prior to the public display.
- A drawing showing a plan view of the fireworks discharge site and the surrounding area within a five-hundred-foot radius. (Include all structures, fences, barricades, streets, fields, streams and any other significant factors that may be subjected to ignition or that may inhibit fire-fighting capabilities.)

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- For fireworks displays on days other than July 4th, public notification must be provided for residents potentially affected by the noise. A plan must be submitted with the application, and may include newspaper, radio, and/or television announcements; door to door distribution of written announcements; reader boards and/or other methods or mediums.
- Verification that the pyrotechnician holds a pyrotechnic operator license issued by the State of Washington as defined by RCW 70.77 and WAC 212-17.
- Evidence of a bond issued by an authorized surety of a certificate of public liability insurance. The bond or certificate shall conform to the requirements set forth in RCW 70.77 and 70.77.355

At the discretion of the Fire Marshal, a Kirkland fire engine and a minimum of three firefighters may be required on site thirty minutes prior to, during, and thirty minutes after the conclusion of the display. The permit applicant is responsible for payment for costs incurred by use of fire department personnel.

All combustible debris and trash shall be removed by the applicant from the area of discharge for a distance of three hundred feet in all directions.

Requirements for Proximate Fireworks

Proximate pyrotechnics are often used indoors in conjunction with theatrical, musical, or similar productions before a proximate audience; or may be used during the filming of television and/or movie productions for special effects purposes. (Also covered under this section is the indoor use of fire for entertainment purposes or theatrical effects in front of an audience, such as juggling, fire-eating, and baton twirling. Information noted below which is required on the permit application may be revised as is applicable to the specific type of activity.)

A permit must be obtained from the Kirkland Fire Department. The cost of the permit is \$100. The permit application must be filed no later than 10 business days prior to the proposed discharge date and must include the following:

- Name of the person, group, or organization sponsoring the production.
- Date(s) and time(s) of the production.
- Exact location of the production.
- Name of the person actually in charge of firing the pyrotechnics
- Number, names, and ages of all assistants who are to be present.
- Qualifications and experience of the pyrotechnic operator
- Copy of the pyrotechnic operator's license issued by the State of Washington as defined by RCW 70.77 and WAC 212-17. If the person performing the pyrotechnics is not licensed in Washington State, another Washington State licensed pyrotechnician shall apply for the permit and shall be on site at all times that pyrotechnics are being used.

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- Evidence of a bond issued by an authorized surety or a certificate of public liability insurance. The bond or certificate shall conform to the requirements set forth in RCW 70.77 and 70.77.355
- Number and types of devices and materials to be used, and the operator's experience with those devices and effects ("pyrotechnic log")
- Diagram of the grounds or facilities where the production is to be held. This diagram shall show the point at which the pyrotechnic devices are to be fired, the fallout radius for each pyrotechnic device used in the performance, and the lines behind which the audience shall be restrained.
- Point of on-site assembly of pyrotechnic devices.
- Manner and place of storage of the pyrotechnic materials and devices.
- Certification that the set, scenery, and rigging materials are inherently flame-retardant or have been treated to become flame retardant.
- Certification that all materials worn by performers in the fallout area during use of pyrotechnic effects shall be inherently flame retardant or have been treated to become flame retardant.

In addition, before a permit for proximate fireworks or indoor use of fire can be issued, written permission must be obtained from the owner/agent of the property where the event will be held. This written permission shall be attached to the application for permit. For those venues where such events are frequently held, this requirement may be waived if written permission from the owner/agent is on file with the Kirkland Fire Department.

Prior to the actual event, a walk-through and representative demonstration is required to be witnessed by a representative of the Kirkland Fire Prevention Bureau.

Exception: This requirement may be waived based on past history, prior knowledge and other factors provided the Fire Marshal is confident that the discharge of pyrotechnics can be conducted safely.

At the discretion of the Fire Marshal, Kirkland Fire Department personnel may be required on site thirty minutes prior to, during and thirty minutes after the conclusion of the display. The permit applicant is responsible for payment for costs incurred by use of fire department personnel.

Where the use of pyrotechnics or fire requires smoke detectors or other fire alarm devices in a building to be bypassed or air handling systems to be disengaged, such activities shall be allowed at the discretion of the fire department representative. A person from the building who is familiar with such equipment shall ensure that the systems are returned to normal operating condition as soon as the likelihood of false alarms has passed.

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Issuance of a permit and inspection by the fire department does not release the holder of the permit from liability in the case of property damage or injury to occupants or performers. The holder of the permit assumes all responsibility to ensure safety of the building and its occupants.

Requirements for Use of Sparklers

A permit must be obtained from the Kirkland Fire Department. The permit is valid only for the specific purpose, date, and location as indicated on the permit application. There is no fee for this permit.

Before a permit for the use of sparklers can be issued, written permission must be obtained from the owner/agent of the property where the event will be held and the sparklers will be used. This written permission shall be attached to the application for permit. For those venues where sparklers are frequently used, this requirement may be waived if written permission from the owner/agent is on file with the Kirkland Fire Department.

In addition, the following conditions apply:

- Sparklers shall be used outside only
- Sparklers shall be used by adults only or under direct adult supervision
- A fire extinguisher shall be available while sparklers are being used
- Used sparklers shall be determined to be cold to the touch before being disposed of in a safe manner

Issuance of a permit does not release the holder of the permit from liability in the case of property damage or injury to participants. The holder of the permit assumes all responsibility to ensure safety of the building and its occupants.

For additional information regarding fireworks regulations, please contact the Kirkland Bureau of Fire Prevention at 425-587-3650.

*Policy Approved 5/24/11 by
Grace A. Steuart, Fire Marshal
Kirkland Fire Department*

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Chapter 11.60 FIREWORKS*

Sections:

11.60.010	Definitions.
11.60.020	Sale of fireworks unlawful.
11.60.030	Possession, use and discharge of fireworks unlawful.
11.60.040	Permit required to display fireworks.
11.60.050	Permit fees.
11.60.060	Issuance—Nontransferable—Voiding.
11.60.070	Application for public display permit.
11.60.080	Standards for public fireworks.
11.60.090	Use of fireworks in public parks and on public land.
11.60.100	Special effects for entertainment media.
11.60.110	Nonprohibited acts—Signal purposes, forest protection.
11.60.120	Construction.
11.60.130	Enforcement.

* This chapter becomes effective March 1, 1999. Prior to that date, the provisions of Chapter [11.60](#) KMC, derived from Ord. 2125 as amended, remain in effect.

11.60.010 Definitions.

The definitions of Chapter 70.77 RCW as now stated or hereafter amended shall govern the construction of this chapter, when applicable. RCW 70.77.120 through and including RCW 70.77.230 as now stated or hereinafter amended, is adopted by this reference and a copy of such shall be kept on file in the office of the city clerk for public use and inspection. In addition, the following terms are defined:

(1) Dangerous Fireworks. Any fireworks not defined as a “common fireworks” under the provisions of RCW 70.77.136. (Ord. 3625 § 2 (part), 1998)

11.60.020 Sale of fireworks unlawful.

It is unlawful for any person, firm or corporation to sell any fireworks within the city; provided, that this prohibition does not apply to duly authorized public displays. (Ord. 3625 § 2 (part), 1998)

11.60.030 Possession, use and discharge of fireworks unlawful.

Except as authorized by state license and city permit granted pursuant to RCW 70.77.260(2) (public display) or RCW 70.77.311(2) (use by group or individual for religious or other specific purpose on approved date and at an approved location), it is unlawful for any person, firm, or corporation to engage in the retail sale of, or to sell, possess, use, transfer, discharge or explode any fireworks of any kind within the city. (Ord. 3625 § 2 (part), 1998)

11.60.040 Permit required to display fireworks.

It is unlawful for any person, firm or corporation to hold, conduct or engage in a public display of fireworks within the city without first having obtained and being the holder of a valid permit issued pursuant to the provisions of this chapter. (Ord. 3625 § 2 (part), 1998)

11.60.050 Permit fees.

The fee for a public display permit for the public display of fireworks shall be one hundred dollars, payable in advance. (Ord. 3625 § 2 (part), 1998)

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11.60.060 Issuance—Nontransferable—Voiding.

Each public display permit issued pursuant to this chapter shall be valid for the specific authorized public display event only, shall be used only by the designated permittee and shall be nontransferable. Any transfer or unauthorized use of a permit is a violation of this chapter and shall void the permit granted in addition to all other sanctions provided in this code. (Ord. 3625 § 2 (part), 1998)

11.60.070 Application for public display permit.

Applications for a permit to hold, conduct, or operate a public display of fireworks as defined under Chapter 70.77 RCW shall be made to the building official for a permit. Such a permit shall also require the approval of the fire chief or his/her duly appointed representative. Applications shall be made at least fourteen days prior to the scheduled event. Applicants shall meet all qualifications and requirements of state law regarding public display of fireworks and all fire and safety requirements as set forth in the standards for public display and, in particular, shall hold a pyrotechnic operator license issued by the state of Washington as defined by Chapter 70.77 RCW and Chapter 212-17 WAC. (Ord. 3625 § 2 (part), 1998)

11.60.080 Standards for public fireworks.

All public fireworks displays shall conform to the following minimum standards and conditions:

(1) All public fireworks displays must be planned, organized, and discharged by a state-licensed pyrotechnician.

(2) A permit must be obtained from the city and approved by the fire chief or designee prior to any display of public fireworks. The permit shall include the name of the applicant and his address, the name of the pyrotechnician and his address, the exact location, date and time of the proposed display, the number, type and class of fireworks to be displayed, the manner in which the fireworks are being stored prior to the public fireworks display.

(3) The applicant for a public display of fireworks permit shall include with the application evidence of a bond issued by an authorized surety or a certificate of public liability insurance. Such bond or certificate shall conform to the requirements set forth in RCW 70.77.285 and 70.77.355.

(4) A drawing shall be submitted with the application to the fire chief showing a plan view of the fireworks discharge site and the surrounding area within a five-hundred-foot radius. The drawing shall include all structures, fences, barricades, streets, fields, streams, and any other significant factors that may be subjected to ignition or that may inhibit firefighting capabilities.

(5) When, in the discretion of the fire chief, such requirement is necessary to preserve the public health, safety and welfare, the permit may, at the direction of the fire chief or designee, require that a Kirkland fire pumper and a minimum of three firefighters shall be on site thirty minutes prior to and after the conclusion of the display. All compensation for fire personnel and apparatus will be paid by the applicant in an amount calculated according to the Washington State Chiefs Association's fee schedule and shall be designated to the Kirkland fire and life safety district.

(6) All combustible debris and trash shall be removed by the applicant from the area of discharge for a distance of three hundred feet in all directions.

(7) Applicant shall dispose of all unfired or "dud" fireworks in a safe manner.

(8) Applicant shall provide the fireworks discharge site a minimum of two 2A-rated pressurized water fire extinguishers and one fire blanket.

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(9) The permit may be immediately revoked at any time deemed necessary by the fire chief or designee due to any noncompliance, weather conditions such as extremely low humidity or wind factor. The display may also be canceled by accidental ignition of combustible or flammable material in the vicinity due to fall debris from the display.

(10) Areas of public access shall be determined by the fire chief or designee and maintained by the applicant in an approved manner. (Ord. 3625 § 2 (part), 1998)

11.60.090 Use of fireworks in public parks and on public land.

It shall be unlawful for any person to discharge or possess any fireworks upon public land or in any public park owned by the city of Kirkland; provided, however, nothing herein shall be deemed to limit the authority of the city to allow event display of special fireworks under a permit issued in accordance with the provisions of this chapter. (Ord. 3625 § 2 (part), 1998)

11.60.100 Special effects for entertainment media.

This chapter does not prohibit the assembling, compounding, use and display of special effects of whatever nature by any person engaged in the production of motion pictures, radio or television productions, theatricals or operas when such use and display is a necessary part of the production and such person possesses a valid permit issued by the city of Kirkland to purchase, possess, transport or use such fireworks. (Ord. 3625 § 2 (part), 1998)

11.60.110 Nonprohibited acts—Signal purposes, forest protection.

This chapter does not prohibit the use of flares or fuses in connection with the operation of motor vehicles, railroads, or other transportation agencies for signal purposes or illumination or for use in forest protection activities. (Ord. 3625 § 2 (part), 1998)

11.60.120 Construction.

This chapter is intended to implement Chapter 70.77 RCW, and shall be construed in connection with that law and any and all rules or regulations issued pursuant thereto. (Ord. 3625 § 2 (part), 1998)

11.60.130 Enforcement.

The fire chief, or designee, in coordination with the building official, is authorized to enforce all provisions of this chapter and, in addition to criminal sanctions or civil remedies, he/she may revoke any permit issued pursuant to this chapter upon any failure or refusal of the permittee to comply with the orders and directives of the fire chief or designee, and/or to comply with any provisions of this code relating to temporary structures. (Ord. 3625 § 2 (part), 1998)