

**CITY OF WHITE SALMON
ORDINANCE 2023-08-1147**

**AN ORDINANCE OF THE CITY OF WHITE SALMON, WA AMENDING WSMC 8.20
FIREWORKS**

WHEREAS, the city council has adopted White Salmon Municipal Code 8.20 Fireworks;
and

WHEREAS, the city council has determined that an amendment to White Salmon Municipal Code 8.20 Fireworks is necessary; and

WHEREAS, the city council has determined that there is a tangible increasing risk of fire due to increase in extreme heat occurrence and high wind levels throughout the Columbia River Gorge that would result in property damage and potential loss of life in the region; and

WHEREAS, the city council has determined the best solution to protect the community is to ban the use of any fireworks inside the City Limits of White Salmon except six o'clock p.m. on December 31 to one o'clock a.m. on January 1 (the following day) of any year; and

WHEREAS, the City of White Salmon City Council held a Public Hearing for Ordinance 2023-08-1147 at their regularly scheduled meeting on August 2, 2023;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITE SALMON DO
ORDAIN AS FOLLOWS:**

SECTION 1. White Salmon Municipal Code 8.20 – Fireworks, is hereby amended as follows:

Key: Deleted = **bold and strikethrough**
Added = **bold and underlined**

Chapter 8.20 FIREWORKS

Sections:

8.20.010 RCW sections adopted.

RCW Sections 70.77.124 through 70.77.241 are hereby adopted by this reference.

8.20.015 Discharge of consumer fireworks—Dates and times permitted

No person shall use or explode any fireworks, common or otherwise, within the City of White Salmon. ~~except the days of July 4 only between the hours of nine o'clock a.m. and eleven o'clock p.m. and~~ from six o'clock p.m. on December 31 to one o'clock a.m. on January 1 (the following day) of any year, PROVIDED, that this prohibition shall not apply to permitted public firework displays where the same are authorized pursuant to the laws of the City of White Salmon and the State of Washington.

8.20.017 Emergency fireworks ban.

The mayor, after consulting with the fire chief, can impose emergency fireworks ban when fire danger and conditions are extreme.

8.20.020 Permit Required-Exceptions.

1. No person, without appropriate state license and a permit from the city of White Salmon, may:
 - A. Possess or sell any fireworks at wholesale or retail for any use;
 - B. Make a public display of fireworks; or
 - C. Transport fireworks, except as a public carrier delivering to a licensee.
2. No person less than eighteen (18) years of age may apply for or receive a license or permit under this ordinance.
3. Subject to a ban on fireworks pursuant to Section 8.20.050, and notwithstanding the provisions of Section 8.20.020(1), no license or permit is required for the possession or use of common fireworks lawfully purchased at retail.

8.20.030 Application for permit.

1. Any person desiring to do any act mentioned in Section 8.20.020 A or C shall apply to the fire chief for a permit.
2. Any person desiring to put on a public display of fireworks under Section 8.20.020 B shall apply in writing to the fire chief for a permit. Application shall be made at least thirty (30) days in advance of the proposed display.

8.20.040 Fire chief report and recommendation.

The fire chief receiving an application for a permit under Section 8.20.030 shall investigate the application and submit a report of findings and a recommendation for or against issuance of the permit, together with reasons, to the city council within five days of receipt of the application.

8.20.050 Approval or denial of application for permit-Fireworks ban.

The city council may grant or deny an application for a permit under Section 8.20.030 if the application meets the standards under this chapter and the fire chief determines that issuance of a permit is appropriate in light of the existing and expected level of fire danger or other health, safety and welfare concerns. The permit shall be granted or denied within twenty-one (21) days after receipt

of an application by the fire chief. Notwithstanding, any previously issued permit may be rescinded by the mayor or designee if it is determined that potential fire danger warrants the rescission of the permit. The mayor or designee may ban all use of fireworks within the city of White Salmon if the mayor or designee determines that potential fire danger warrants such a ban. The mayor or designee may consider the existence of a state parks ban on fireworks as well as county mandated fire bans in determining whether or not permits issued under this chapter should be rescinded or fireworks banned.

8.20.060 Compliance with standards adopted pursuant to RCW.

All retail fireworks stands shall comply with all standards adopted pursuant to RCW 70.77.270(2).

8.20.070 Liability insurance requirement.

No retail fireworks permit may be issued to any applicant under Section 8.20.030 A or C unless the retail fireworks stand is covered by a liability insurance policy with coverage of not less than fifty thousand dollars (\$50,000) and five hundred thousand dollars (\$500,000) for bodily injury liability for each person and occurrence, unless such insurance is not readily available from at least three approved insurance companies. If insurance in this amount is not offered, each fireworks permit shall be covered by a liability insurance policy in the maximum amount offered least three different approved insurance companies, but in no event less than fifty thousand dollars (\$50,000) for liability and two hundred fifty thousand dollars (\$250,000) for bodily injury liability.

8.20.080 Evidence of bond.

The applicant for a permit under Section 8.20.030(B) 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 in the amount required by RCW 70.77.295 and 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 applicants or its agents, servants, employees, or subcontractors in the presentation of the display. Instead of a bond, the applicant may include a certificate of insurance evidencing the carrying of appropriate liability insurance in the amount required by Section 8.20.070 for the benefit of the person named therein as assured, as evidence of ability to respond to damages. The fire chief receiving the application shall approve the bond or insurance if it meets the requirements of this ordinance.

8.20.090 Hearing on denial of license.

Any applicant who has been denied a permit is entitled to a hearing before the city council within fourteen (14) days of request for the hearing.

8.20.100 Penalties.

Any person convicted of a violation of this ordinance shall be punished by a fine ~~not to exceed of~~ five hundred dollars (\$500) for each ~~day the~~ violation ~~continues~~.

SECTION 2 – SEVERABILITY: If any section, sentence, or phrase of this Chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, or phrase of this Chapter.

SECTION 3 – EFFECTIVE DATE. This ordinance shall take effect 1 year following the date of its publication by summary.

PASSED by the City Council of the City of White Salmon at a regular meeting this 2nd day of August 2023.

Marla Keethler, Mayor

ATTEST:

Stephanie Porter, Clerk/Treasurer

APPROVED AS TO FORM:

Shawn MacPherson, City Attorney