

ORDINANCE NO. 23-1190

AN ORDINANCE OF THE CITY OF BLACK DIAMOND, WASHINGTON, AMENDING SECTION 8.04.130 OF THE BLACK DIAMOND MUNICIPAL CODE TO HARMONIZE IT WITH STATE LAW

WHEREAS, temporary consumer fireworks stands are regulated in the City of Black Diamond Chapter 8.04 of the Black Diamond Municipal Code; and

WHEREAS, Washington State fireworks law is regulated by Chapter 212-17 of the Washington Administrative Code and Chapter 70.77 of the Revised Code of Washington; and

WHEREAS, the location of consumer fireworks retail sales facilities (CFRS, otherwise referred to as fireworks stands) is regulated in Washington State by Section 212-17-21509 of the Washington Administrative Code; and

WHEREAS, City staff worked with Fire Chief Greg Smith, Mountain View Fire and Rescue, to harmonize existing state law with the Black Diamond Municipal Code; and

WHEREAS, City Council Planning & Community Services Committee was informed of the intention to update the Fireworks Stands section of code;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. BDMC 8.04.130 Amended. BDMC 8.04.130, "Standards for fireworks stands," is hereby amended to read as follows:

8.04.130 - Standards for fireworks stands.

The fireworks stands of all those persons engaging in the sale of common fireworks pursuant to a permit issued under this chapter shall conform to the following minimum standards and conditions:

- A. Fireworks stands shall comply with all provisions of the building code and shall be constructed in such a manner so as not to endanger the safety of attendants and patrons.
- B. No fireworks stand shall be located within fifty feet of any other building or structure, nor within ~~one quarter of one mile of any gasoline station, oil storage tank or premises where flammable liquids are kept or stored~~ one hundred feet from any motor vehicle dispensing station, retail propane dispensing station, flammable liquid storage, or combustible liquid storage. Measurements will be taken from the pump, island, or dispensing device above ground tank storage or lids of underground tanks to the fireworks stand.

- C. Each fireworks stand must have at least two exits which shall be unobstructed at all times.
- D. Each fireworks stand shall have, in a readily accessible place, at least two full buckets of water and/or a fire extinguisher duly approved in advance by the fire chief.
- E. All weeds, grass and combustible material shall be cleared from the location of the fireworks stand and the surrounding area a distance of not less than twenty feet, measured from the exterior walls on each side of the fireworks stand.
- F. No smoking shall be permitted in or near a fireworks stand, and the same shall be posted with proper "No Smoking" signs.
- G. Each fireworks stand shall have an adult in attendance at all times that the stand is stocked. Stock from the stand shall not be removed or stored in any other building during the sales period without the express written approval of the fire chief.
- H. No fireworks stand shall be located within a radius of one quarter mile from any other stand.
- I. Each fireworks stand shall have provision for sufficient off-street parking, in the opinion of the fire chief, to avoid impeding continuous flow of traffic at entrances and exits from the premises.
- J. Each fireworks stand shall post prominently a list of fireworks that may be sold to the public.

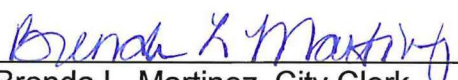
PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 2ND DAY OF FEBRUARY 2023.

CITY OF BLACK DIAMOND:



Carol Benson, Mayor

Attest:



Brenda L. Martinez, City Clerk

Approved as to form:

David Linehan, City Attorney

Filed with the City Clerk: 2/3/23

Passed by the City Council: 2/2/23

Ordinance No. 23-1190

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