

# ORDINANCE 1790

## **AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, RELATING TO CITY'S FIREWORKS CODE, AMENDING NBMC 8.20.010 (PURPOSE-DEFINITIONS-PROHIBITION); AND PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, Chapter 70.77 of the Revised Code of Washington regulates the sale, possession, and use of fireworks; and

**WHEREAS**, RCW 70.77.250(4) authorizes counties, cities, and towns to adopt regulations governing the sale, possession and use of fireworks that are more restrictive than those set forth in Chapter 70.77 RCW and/or the rules adopted by the Chief of the Washington State Patrol pursuant thereto, provided that any ordinances adopted by a county or city that are more restrictive than state law shall have an effective date no sooner than one year after their adoption; and

**WHEREAS**, in order to diminish fire danger in the City, the City Council desires to revise the definition of "fireworks" to remove from the definition of authorized fireworks "special fireworks" therefore prohibiting certain aerial fireworks in the City of North Bend;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1. NBMC 8.20.010, Purpose-Definitions-Prohibition, Amended:** North Bend Municipal Code Subsection 8.20.010 (Purpose-Definitions-Prohibition) is hereby amended as follows:

It is the intent of this chapter to provide a procedure for the local granting of permits for the possession, sale and discharge of the fireworks as classified by the State Fireworks Law and in rules of the State Fire Marshal relating to fireworks, and to prohibit the possession, sale or use of any fireworks other than fireworks classified as common fireworks or as trick and novelty devices by said law and rules, ~~unless otherwise allowed as special fireworks which are appropriately licensed for use,~~ and to implement Chapter 70.77 RCW and the rules of the State Fire Marshal relating to fireworks. This chapter of the municipal code shall be construed in connection with Chapter 70.77 RCW, the State Fireworks Law, and the rules of the State Fire

Marshal relating to fireworks. Violation within the city of any provision of the State Fireworks Law or the rules of the State Fire Marshal relating to fireworks shall constitute a violation of this chapter of the municipal code and shall be punishable under Section 8.20.120.

A. “Common fireworks” means any small fireworks device, such as ground and hand-held sparkling devices and/or smoke devices designed primarily for retail sale to the public during prescribed dates to produce visible and audible effects by combustion and/or small detonating charge and which must comply with federal regulations pursuant to the rules of the State Fire Marshal relating to fireworks, and are classified as Class C explosives by the U.S. Department of Transportation.

~~B. “Special fireworks” means any fireworks, generally large, not designed primarily for sale at retail to the public during prescribed dates and which produce visible or audible effects through combustion, deflagration, or detonation, and which must comply with federal regulations pursuant to the rules of the State Fire Marshal relating to fireworks, and are classified as Class B explosives by the U.S. Department of Transportation.~~

~~BC.~~ “Trick and novelty devices” means any small firework device not classified as common or special fireworks by the U.S. Department of Transportation or in the rules of the State Fire Marshal relating to fireworks, and as defined in the rules of the State Fire Marshal, and which includes but is not limited to certain snakes, poppers, trick matches, cigarette loads, and auto burglar alarms. (Ord. 583 § 1, 1983: Ord. 491 § 1, 1979).

**Section 2. Severability:** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 3. Effective Date:** This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND,  
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 6<sup>TH</sup> DAY OF  
DECEMBER, 2022.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

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**Rob McFarland, Mayor**

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**Lisa Marshall, City Attorney**

**ATTEST/AUTHENTICATED:**

Published: December 16, 2022

Effective: December 21, 2022

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**Susie Oppedal, City Clerk**