

ORDINANCE 951

AN ORDINANCE OF THE CITY OF POMEROY, WASHINGTON, RELATING TO TITLE 8, HEALTH AND WELFARE, ADDING CHAPTER 8.25, FIREWORKS; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

WHEREAS, Revised Code of Washington (RCW) 70.77 governs the purchase, sale, and discharge of fireworks; and

WHEREAS, RCW 70.77.250(4) permits cities to adopt ordinances with stricter regulation of fireworks than state law, provided such ordinances may not have an effective date sooner than one year after their adoption; and

WHEREAS, The Pomeroy City Council finds that in order to protect the health, safety and welfare of the public, it is necessary to adopt certain fire safety requirements; and

WHEREAS, The Pomeroy City Council finds that it is in the City's best interest to amend Title 8, Health and Safety, to add a new Chapter titled "Fireworks" to regulate the sale and use of fireworks within the city limits;

NOW, THEREFORE, the City Council for the City of Pomeroy, Washington, does ordain as follows:

SECTION 1. That Chapter 8.25 entitled "Fireworks" shall be created and hereby adopted and shall read as follows:

Chapter 8.25

FIREWORKS

Sections:

- 8.25.010** **RCW adopted.**
- 8.25.020** **Definitions.**
- 8.25.030** **Dates when sale of fireworks is permitted.**
- 8.25.040** **Dates when discharge of fireworks is permitted.**
- 8.25.050** **Emergencies – Restrictions on use.**
- 8.25.060** **Prohibited areas.**
- 8.25.070** **Minimum age.**
- 8.25.080** **Fireworks debris.**
- 8.25.090** **Violation – Penalty.**

8.25.010 RCW adopted.

Except as otherwise provided herein, Chapter 70.77 RCW, the State Fireworks Law, is hereby adopted by reference, including all future amendments or additions thereto.

8.25.020 Definitions.

The words and phrases used in this Chapter, unless the context otherwise indicates, shall have the following meanings:

- A. "Aerial Fireworks" means any firework that is designed to be launched into the air and explode at a predetermined altitude, releasing their effects like bursts of stars, colors, or shapes. These include, but are not limited to, shells, roman candles, rockets, and missiles.
- B. "Common Fireworks" means any fireworks designed primarily to produce visual or audible effects by combustion, and includes: ground and hand-held sparkling devices, including items commonly known as dipped sticks, sparklers, cylindrical fountains, cone fountains, illuminating torches and flutter sparklers; and smoke devices.

8.25.030 Dates when sale of fireworks is permitted.

No common fireworks shall be sold or offered for sale, except from 12:00 noon on the 28th day of June to 11:00 p.m. on the 4th day of July of any year and from 12:00 noon to 11:00 p.m. on December 27th through December 31st.

8.25.040 Dates when discharge of fireworks is permitted.

No person shall use or explode any fireworks within the City of Pomeroy except from 9:00 a.m. to 11:00 p.m. on July 1st through July 3rd, 9:00 a.m. to 12:00 midnight on July 4th and from 6:00 p.m. on December 31st to 1:00 a.m. on January 1st; provided that this prohibition shall not apply to duly authorized public displays where the same are authorized pursuant to the laws of the state of Washington.

8.25.050 Emergencies – Restrictions on use.

The Mayor, after consulting with the Fire Chief of Garfield County Fire District 1, and other officials as may be deemed appropriate, may prohibit the discharge of all fireworks during periods of extreme fire danger through a written proclamation, issued with or without City Council approval. For the purposes of this Chapter, the term "extreme fire danger" shall mean a period of hot, dry weather, accompanied by low fuel moistures. It is during this period that wild land fires can be expected, and fire growth will be accelerated.

8.25.060 Prohibited areas.

The discharge of fireworks is prohibited in the following areas:

- A. It is unlawful for any person to discharge fireworks on the property of another without permission from the owner of such property.
- B. It is unlawful for any person to discharge fireworks on city property that is not a park without the express written permission of the City Council.
- C. It is unlawful for any person to discharge fireworks within or from any structure, vehicle or vessel.
- D. No aerial fireworks shall be discharged on Arlington Street or Baldwin Street.
- E. No aerial fireworks shall be discharged east of 15th Street.

8.25.070 Minimum age.

No person under the age of 16 years shall possess or discharge any fireworks unless directly supervised by an adult (eighteen years old or older) who is responsible for the person under the age of 16 years.

8.25.080 Fireworks debris.

Persons using fireworks are responsible for removal and clean-up of all debris associated with their fireworks. If any fireworks debris comes to rest on neighboring property, the person using or discharging the fireworks causing such debris is required to contact the neighboring property owner within 24 hours to obtain permission to enter the property to remove the debris and clean up or repair any damage caused thereby. Any individual who leaves the remains of fireworks which he/she has discharged on public property shall be in violation of RCW 70A.200.060 and shall be prosecuted accordingly.

8.25.090 Violation – Penalty.

- A. Unless otherwise provided below, any person violating or failing to comply with the provisions of this chapter which does not also constitute a state law shall be guilty of a civil infraction and upon conviction thereof, shall be punished by a fine of one hundred fifty dollars for the first offense, two hundred fifty dollars for the second offense, five hundred dollars for the third offense and each subsequent offense within a three-year period.

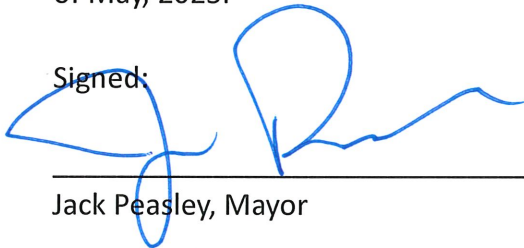
- B. The Garfield County Sheriff's Office or designee shall have authority to issue citations to enforce this chapter.
- C. In addition to monetary penalties and prosecution, enforcement personnel from the Garfield County Sheriff's Office may seize and dispose of fireworks that are in violation of this chapter, according to law.

SECTION 2. If any section, sentence, clause, or phrase of this ordinance should be 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, clause or phrase of this ordinance.

SECTION 3. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City and shall take effect and be in full force one (1) year after the date of publication.

PASSED BY the City Council of the City of Pomeroy, Washington, at a regular meeting this 6th day of May, 2025.

Signed:



Jack Peasley, Mayor

Attest:



Diane L Taylor, City Clerk/Treasurer