



COMMUNITY DEVELOPMENT DEPARTMENT

Code Administration

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FIREWORKS DISPLAY APPLICATION

YMC Section 10.15

Fee: \$50 for each display
\$47 plan review and inspection

APPLICATIONS MUST BE SUBMITTED, MINIMALLY, 10 DAYS BEFORE THE EVENT

Applicant Information (must be Pyrotechnic):

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ Alternate Phone: _____ Fax: _____
E-mail: _____

Display Info:

Date of Display: _____
Location of Display: _____

Please Provide:

- License issued by the State Fire Marshall
- Site Plan
- Certificate of Insurance

The certificate of insurance must be in the amount of, not less than fifty thousand dollars and one million dollars for each person and event respectively, and not less than twenty-five thousand for property damage liability for each event. Such certificate of insurance shall also name, as additional insured parties, the city of Yakima, its officers and employees acting in their capacity as agents of the city.

Signature of Pyrotechnic Operator

Date of Application

For Office Use Only	
Regulatory License #: _____	Amount Paid: \$ _____ <input type="checkbox"/> Cash <input type="checkbox"/> Check
Code Administration Manager Approval	
<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Approved with Conditions _____	
Signature: _____ Date: _____	
Fire Inspector Approval	
<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Approved with Conditions _____	
Signature: _____ Date: _____	
City Manager Approval	
<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Approved with Conditions _____	
Signature: _____ Date: _____	

10.15.010 Definitions.

The words and phrases herein used for the purpose of this chapter shall have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

1. "Common fireworks" means any fireworks designed primarily to produce visual or audible effects by combustion.

2. "Person" includes any individual, firm, partnership, joint venture, association, concern, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.

3. "Public display of fireworks" means an entertainment feature where the public is admitted or permitted to view the display or discharge of special fireworks.

4. "Sale at retail" includes any sale or transfer, including contracts or orders for sales or transfers, wherein any person at a fixed location or place of business sells, transfers or gives fireworks to a consumer or user.

5. "Sale at wholesale" includes a sale or transfer to a retailer or any other person for resale, and which also includes any sale or transfer of special fireworks to public display licensees.

6. "Agricultural and wildlife fireworks" includes any firework devices defined by RCW 70.77.141 or its successor.

7. "Fireworks" means any composition or device, in a finished state, containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and classified as common or special fireworks.

8. "Special fireworks" means any fireworks designed primarily for exhibition display by producing visible or audible effects. The term includes:

a. Fireworks commonly known as skyrockets, missile type rockets, firecrackers, salutes and chasers; and

b. Fireworks not classified as common fireworks.

9. "Special effects" means any combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical or thermal effect as a necessary part of a motion picture, radio or television production, theatrical performance or opera.

10. "Pyrotechnic operator" includes any individual who by experience and training has demonstrated the required skill and ability for safely setting up and discharging public displays of special fireworks. (Ord. 2782 § 1, 1984: Ord. 2616 § 1, 1982: Ord. 346 § 1, 1962).

10.15.015 Fireworks ban.

Except as otherwise provided in this chapter, it is unlawful for any person to store, offer for sale, expose for sale, use, possess, fire or discharge any fireworks. (Res. D-6181 § 1, passed by special election, 11/18/92).

10.15.040 Permit for public display.

It is unlawful for any person to make a public display of fireworks within the city of Yakima without having first obtained a permit to do so. Application to make such a display shall be made in writing to the code administration manager or his designee on forms provided for that purpose and shall be accompanied by a fifty-dollar fee for each display; provided, however, that the city manager may waive the fifty-dollar application fee for student organizations. Application shall be made at least ten days in advance of the proposed display.

The code administration manager or his designee shall investigate whether the character and location of the display as proposed would be hazardous or dangerous to any person or property. Based on the investigation the code administration manager or his designee shall submit a report of findings and a recommendation for or against the issuance of a permit, together with reasons, to the city manager. The city manager may grant or deny the application and may place reasonable conditions on any such permit issues.

A permit for a public display of fireworks shall not be issued unless the person applying for the permit is a holder of a valid license issued by the State Fire Marshal to make such a display. If the city manager grants a permit for the public display of fireworks, the sale, possession and

use of fireworks for the public display is lawful for that purpose only. No such permit shall be transferable. Every public display of fireworks shall be handled or supervised by a competent and experienced pyrotechnic operator approved by the code administration manager or his designee. (Ord. 2004-76 § 1, 2004: Ord. 93-92 § 1, 1993: Ord.

2782 § 3, 1984: Ord. 2699 § 2, 1983: Ord. 2616 § 4, 1982: Ord. 2354 § 24, 1979: Ord. 346 § 4, 1962).

10.15.050 Public display—Employee compensation insurance—Liability insurance.

The applicant for a permit for a public display of fireworks shall, at the time of application, submit his license issued by the State Fire Marshal for inspection. In addition, the applicant shall submit to the code administration manager or his designee a certificate of insurance in an amount not less than fifty thousand dollars and one million dollars for each person and event respectively, and not less than twenty-five thousand for property damage liability for each event. Such certificate of insurance shall also name, as additional insured parties, the city of Yakima, its officers and employees acting in their capacity as agents of the city. The code administration manager or his designee with the assistance of the city attorney shall approve such certificate of issuance if it meets the requirements of this section. (Ord. 2782 § 4, 1984: Ord. 2616 § 5, 1982: Ord. 2354 § 25, 1979: Ord. 1028 § 2, 1968: Ord. 346 § 5, 1962).

10.15.065 Special purchase and use permits.

A. Religious organizations or private organizations or persons may purchase or use common fireworks and such audible ground devices as firecrackers, salutes and chasers if:

1. Purchased from a manufacturer, importer or wholesaler licensed pursuant to RCW Chapter 70.77;

2. For use on prescribed dates and locations;

3. For religious or specific purposes; and

4. A permit is obtained from the code administration manager or his designee.

B. Applications for a permit required under this section shall be made in writing to the code administration manager or his designee on forms provided for that purpose and shall be accompanied by a fifty dollar fee for each private or religious use of fireworks authorized by this section.

The code administration manager or his designee shall investigate whether the character and location of the proposed use would be hazardous or dangerous to any person or property. Based on such investigation, the code administration manager or his designee may grant or deny such permit and either the code administration manager or his designee may place reasonable conditions on any permit they may issue.

No such permit shall be transferable. If such permit is issued it shall be lawful only for the uses set forth in it.

A permit authorized by this section shall not be issued unless the applicant is over the age of eighteen years and files with the code administration manager or his designee a certificate of insurance in the amount to be set by the code administration manager or his designee based upon the nature and extent of the proposed fireworks use and the risks involved. Such insurance shall be combined single limit covering bodily injury liability, property damage liability, including products liability, premises liability and contractual liability, with the applicant named as insured thereon and which insurance certificate shall also name, as additional insured parties, the city of Yakima, its officers and employees acting in their capacity as agents of the city. (Ord. 2782 § 6, 1984).

10.15.070 Unclassified fireworks—Sale, possession, etc., prohibited.

The sale, transportation, possession or discharge of fireworks not marked with the manufacturer's license number and the State Fire Marshal's classification, as required by RCW Chapter 70.77, is prohibited. (Ord. 2616 § 7, 1982: Ord. 346 § 7, 1962).

10.15.100 Nonprohibited commodities and acts.

The provisions of this chapter shall not apply to any explosive or flammable compound, blasting caps or similar items used for industrial purposes, or to any blank cartridges for use by

persons for bona fide ceremonial purposes, athletic or sports events or military ceremonials or demonstrations. This chapter shall not be construed so

as to prohibit the use of torpedoes, flares or fuses by motor vehicles, railroads or other transportation agencies for signal purposes, or the assembling, compounding, use and display of fireworks of whatever nature by any person engaged in the production of motion pictures, theatricals or operas when such use and display are a necessary part of the production and such person possesses a valid permit to purchase, possess, transport or use dangerous fireworks; nor shall this chapter prohibit any manufacturer, wholesaler, dealer or jobber having a license and a permit, if a permit is required by this chapter, from manufacturing or selling any kind of fireworks for direct shipment out of this state, manufacturing or selling at wholesale any dangerous fireworks to properly licensed persons holding a permit, if a permit is required by this chapter, or selling fireworks to persons having a license and a permit for public displays of fireworks. (Ord. 2616 § 10, 1982; Ord. 346 § 10, 1962).

10.15.110 Enforcement.

The code administration manager or his designee is designated as the enforcing officer of this chapter. Violations of any provision of RCW Chapter 70.77, this chapter, or a permit issued hereunder, any failure or refusal on the part of the permittee to obey any rule, regulation or request of the code administration manager or his designee concerning fireworks, shall be grounds for the revocation of a fireworks permit.

Enforcement of this chapter shall not be construed for the particular benefit of any individual person or group of persons, other than the general public. In the event of a conflict between the intent of this section and any other section of this chapter, this section shall govern in so far as applicable. (Ord. 2782 § 8, 1984).

10.15.120 Violation—Each day a separate, continuing offense.

A person is guilty of a separate offense for each day during which he commits or continues a violation of any provision of this chapter. (Ord. 346 § 12, 1962).

10.15.130 Severability.

If any provision of this chapter, or its application to any person or circumstance, is held invalid, the remainder of the chapter or the application of the provisions to other persons or circumstances is not affected. (Ord. 346 § 13, 1962).