

City of Cheney
609 Second Street
Cheney, Washington 99004

CITY OF CHENEY, WASHINGTON

ORDINANCE NO. W-47

**AN ORDINANCE AMENDING CHAPTER 18.08 ENTITLED "FIREWORKS" TO
MODIFY THE PERMIT PROCESS AND PROVIDING FOR OTHER MATTERS
RELATED THERETO**

WHEREAS, the State of Washington, through RCW Chapter 70.77 regulates the use, distribution, and display of fireworks, to include establishing the date and times when fireworks may be sold or discharged;

WHEREAS, cities can be more restrictive than state restrictions to include limiting or banning of discharge of fireworks within their jurisdiction; and

WHEREAS, an individual or company desiring to manufacture, import, or sell fireworks must obtain a permit from the city where such activity will occur pursuant to RCW 70.77.255 and RCW 70.77.315 to include bonding and insurance requirements set forth at RCW 70.77.355 and RCW 70.77.230(3).

NOW, THEREFORE, the City Council of the City of Cheney, Washington, do ordain as follows:

Section 1. **Amendment.** Section 18.08.010 entitled "Permit - Application" is amended to read as follows:

{S1026092; 1 }

Any person desiring to obtain a permit from the city to do any act within the city for which a permit from the city is required by the provisions of RCW 70.77.260, ~~State of Washington~~, shall make written application for the permit to the city clerk. The fire chief shall develop the form of the application.

Section 2. Amendment. Section 18.08.020 entitled "Investigation--Report" is hereby amended to read as follows:

Upon receipt of ~~such an~~ application, the city clerk shall refer the application to the fire chief of the fire department who shall conduct an investigation and submit a report of his findings and his recommendation to the city council at its next regular meeting for consideration.

Section 3. Amendment. Section 18.08.030 entitled "Granting or denying permit" is hereby amended to read as follows:

Upon receipt of the ~~report and recommendations of~~ application, and after review, the chief of the fire department, ~~the city council shall, in its direction, in the interest of public health and safety exercise reasonable discretion to grant or deny the application subject to such reasonable conditions, if any, as it shall prescribed as set forth in writing.~~

Section 4. Amendment. Section 18.08.040 entitled "Issuance of permit" is hereby amended to read as follows:

Upon approval of any application ~~by the city council~~, the fire chief shall issue to the applicant a permit in writing, which permit shall set forth such conditions ~~the city council shall prescribe if any as appropriate.~~ If the fire chief denies an application written notice containing the reason(s) for denial shall be provided to the applicant.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance shall 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 6. Effective Date. This ordinance shall become effective thirty (30) days after its passage, approval, and publication.

Section 7.

Introduced this 14th day of October, 2014.

Passed by the City Council this 14th day of October, 2014.

Approved by the Mayor this 14th day of October, 2014.



Teresa Overhauser, Mayor Pro-Tem

ATTEST



Cynthia L. Niemeier, City Clerk

APPROVED AS TO FORM:



Stanley M. Schwartz, City Attorney