



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 1/26/2021 **In control:** Committee of the Whole

On agenda: **Final action:** 4/27/2021

Enactment date: 5/7/2021 **Enactment #:** 19276

Title: AN ORDINANCE relating to fireworks regulations; amending Ordinance 3139, Section 601, as amended, and K.C.C. 12.86.500, Ordinance 4461, Section 2, as amended, and K.C.C. 20.22.040, Ordinance 10870, Section 331, as amended, and K.C.C. 21A.08.040, Ordinance 10870, Section 548, as amended, and K.C.C. 21A.32.110, Ordinance 13332, Section 43, as amended, and K.C.C. 27.10.360 and Ordinance 17682, Section 48, as amended, and K.C.C. 27.10.580, adding a new chapter to K.C.C Title 17, repealing Ordinance 6836, Section 1, and K.C.C. 6.26.010, Ordinance 6836, Section 2, as amended, and K.C.C. 6.26.020, Ordinance 6836, Section 3, as amended, and K.C.C. 6.26.030, Ordinance 6836, Section 4, as amended, and K.C.C. 6.26.040, Ordinance 6836, Section 5, and K.C.C. 6.26.050, Ordinance 6836, Section 6, as amended, and K.C.C. 6.26.060, Ordinance 6836, Section 7, as amended, and K.C.C. 6.26.070, Ordinance 6836, Section 8, as amended, and K.C.C. 6.26.080, Ordinance 6836, Section 9, and K.C.C. 6.26.090, Ordinance 6836, Section 10, and K.C.C. 6.26.100, Ordinance 6836, Section 11, and K.C.C. 6.26.110 and Ordinance 10850, Section 6, as amended, and K.C.C. 6.26.115 and prescribing penalties.

Sponsors: Joe McDermott, Claudia Balducci

Indexes: Fireworks

Code sections: 12.86.500 - ., 17 - ., 20.22.040 - ., 21A.08.040 - ., 21A.32.110 - ., 27.10.360 - ., 27.10.580 - ., 6.26.010 - ., 6.26.020 - ., 6.26.030 - ., 6.26.040 - ., 6.26.050 - ., 6.26.060 - ., 6.26.070 - ., 6.26.080 - ., 6.26.090 - ., 6.26.100 - ., 6.26.110 - ., 6.26.115 - .

Attachments: 1. Ordinance 19276, 2. 2021-0057 Title Amendment 1, 3. 2021-0057 Amendment 1, 4. 2021-0057 Striking Amendment 1, 5. 2020-0109-Fireworks-SEPA-Checklist-final, 6. 2020-0109-SEPA-TD-060520, 7. SEPA Comment_Proposed Ordinance 2020-0109 Fireworks Prohibition, 8. 2021-0057_ATT2_WSP Legal and Illegal Fireworks Handout.pdf, 9. 2021-0057_SR_Fireworks-Legislation.docx, 10. 2021-0057_SR_3-3-21 Fireworks-Legislation.docx, 11. 2021-0057_SR_3-17-21Fireworks-Legislation.docx, 12. 2021-0057_AMD1_Groun-based Devices.docx, 13. 2021-0057_AMD2_Penalties and Enforcement.docx, 14. 2021-0057_AMD1.docx, 15. 2021-0057_Revised SR_Fireworks-Legislation.docx, 16. 2021-0057 Written Public Comment.pdf, 17. 2021-0057 Invoice and Affidavit.pdf, 18. 19276 Invoice & Affidavit - June 30, 2021 Invoice #8082.pdf

Date	Ver.	Action By	Action	Result
4/27/2021	2	Metropolitan King County Council	Passed as Amended	Pass
3/17/2021	1	Committee of the Whole	Recommended Do Pass Substitute	Pass
3/3/2021	1	Committee of the Whole	Deferred	
2/17/2021	1	Committee of the Whole	Deferred	
1/26/2021	1	Metropolitan King County Council	Introduced and Referred	

Clerk 04/28/2021

AN ORDINANCE relating to fireworks regulations; amending Ordinance 3139, Section 601, as amended, and K.C.C. 12.86.500, Ordinance 4461, Section 2, as

amended, and K.C.C. 20.22.040, Ordinance 10870, Section 331, as amended, and K.C.C. 21A.08.040, Ordinance 10870, Section 548, as amended, and K.C.C. 21A.32.110, Ordinance 13332, Section 43, as amended, and K.C.C. 27.10.360 and Ordinance 17682, Section 48, as amended, and K.C.C. 27.10.580, adding a new chapter to K.C.C Title 17, repealing Ordinance 6836, Section 1, and K.C.C. 6.26.010, Ordinance 6836, Section 2, as amended, and K.C.C. 6.26.020, Ordinance 6836, Section 3, as amended, and K.C.C. 6.26.030, Ordinance 6836, Section 4, as amended, and K.C.C. 6.26.040, Ordinance 6836, Section 5, and K.C.C. 6.26.050, Ordinance 6836, Section 6, as amended, and K.C.C. 6.26.060, Ordinance 6836, Section 7, as amended, and K.C.C. 6.26.070, Ordinance 6836, Section 8, as amended, and K.C.C. 6.26.080, Ordinance 6836, Section 9, and K.C.C. 6.26.090, Ordinance 6836, Section 10, and K.C.C. 6.26.100, Ordinance 6836, Section 11, and K.C.C. 6.26.110 and Ordinance 10850, Section 6, as amended, and K.C.C. 6.26.115 and prescribing penalties.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. This ordinance updates the King County Code to prohibit the retail sale of fireworks, as well as the use and discharge of fireworks without a permit, as allowed by RCW and WAC fireworks regulations. Retail sale and discharge of consumer fireworks would be prohibited at all times of year, including during the summer and winter periods allowed by RCW 70.77.395 absent a local prohibition.

B. This ordinance also relocates fireworks regulations from K.C.C. Title 6, Licensing, to K.C.C. Title 17, Fire Code. This alignment coordinates with the state adoption of the International Fire Code.

C. This ordinance provides for regulatory procedures to continue to allow for the public display of fireworks.

SECTION 2. Ordinance 3139, Section 601, as amended, and K.C.C. 12.86.500 are hereby amended to read as follows:

The following sounds are exempt from this chapter:

A. Sounds originating from aircraft in flight and sounds that originate at airports and are directly related to flight operations;

B. Sounds created by the normal operation of commercial, nonrecreational watercraft;

C. Sounds created by normal docking and undocking operations of all watercraft;

D. Sounds created by watercraft picking up or dropping off waterskiers while operating within the temporary speed limit exemption authorized in K.C.C. 12.44.230;

E. Sounds created by safety and protective devices, such as relief valves, if noise suppression would defeat the safety intent of the device;

F. Sounds created by fire alarms;

G. Sounds created by warning devices of not more than fifteen minutes in duration per incident. For the purposes of this subsection, "warning device" means a device that is working as intended to provide public warning of potentially hazardous, emergency or illegal activities, including, but not limited to, a burglar alarm or vehicle backup signal, but not including any fire alarm;

H. Sounds created by emergency equipment and emergency work necessary in the interests of law enforcement or for the health, safety or welfare of the community. For the purposes of this subsection, "emergency work" means work required to restore property to a safe condition following a disaster, as defined at K.C.C. 12.52.010, work required to protect persons or property from an imminent danger, work by private or public utilities for providing or restoring immediately necessary utility service, or work to address other emergencies as determined by the director. The director shall, within fourteen days of making such a determination under this section, document in a written decision the nature of the emergency work, why it is necessary for the health, safety or welfare of the community, any complaints about the noise and any objections

to the director's determination. The written decision shall be filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director and the lead staff for the law, justice, health and human services committee, or its successor;

I. Sounds created by the discharge of firearms in the course of lawful hunting activities;

J. Sounds caused by natural phenomena and unamplified human voices;

K. Sounds originating from silviculture or forest practices conducted under chapter 76.09 RCW and Title 222 WAC if the receiving property is located in a rural, commercial or industrial district of King County;

L. Sounds originating from commercial agriculture practices if the receiving property is located in a rural, commercial or industrial district of King County;

M. Sounds created by auxiliary equipment on motor vehicles used for public highway maintenance;

N. Sounds created by off highway vehicles while being used in officially designated all-terrain vehicle parks, except when the sound is received off the park site in a rural or residential district of King County and the sound measurably increases the ambient level;

O. Sounds created by watercraft competing in a regatta or boat race held under a permit issued by the sheriff and sounds created while on trial runs or while on official trials for speed records during the time and in the designated area authorized by the permit;

P. Sounds created by motor vehicle racing events and motor vehicle testing and training, governed by and conducted in accordance with applicable King County permit conditions; and

Q. Sounds created by the legal discharge of fireworks as defined in K.C.C. (~~6.26.060 and K.C.C. 6.26.080~~) chapter 17.XX (the new chapter created in section 3 of this ordinance).

SECTION 3. Sections 4 through 9 of this ordinance should constitute a new chapter in K.C.C. Title 17.

NEW SECTION. SECTION 4. There is hereby added to the chapter established in section 3 of this ordinance a new section to read as follows:

Unless otherwise specified in K.C.C. 17.04.020 or the context clearly requires otherwise, the definitions for terms used in this chapter shall be as established in chapter 70.77 RCW, chapter 212-17 WAC and the International Fire Code, Chapter 56, as adopted under K.C.C. 17.04.010.

NEW SECTION. SECTION 5. There is hereby added to the chapter established in section 3 of this ordinance a new section to read as follows:

A. Except as otherwise noted in this chapter, all permitting, licensing and regulatory requirements shall be in accordance with the fireworks regulations of chapter 70.77 RCW, chapter 212-17 WAC and the International Fire Code, Chapter 56, as adopted under K.C.C. 17.04.010.

B. This chapter does not apply to the sale or discharge of fireworks on tribal trust lands.

NEW SECTION. SECTION 6. There is hereby added to the chapter established in section 3 of this ordinance a new section to read as follows:

A. The county council hereby delegates the power to grant all permits required under this chapter to the King County fire marshal or designee. The King County fire marshal may adopt reasonable procedures and policies to clarify the application of this chapter. As a condition of any permit, the fire marshal may specify additional safeguards as necessary to provide for public safety.

B. In addition to the sheriff's powers to enforce state and county criminal law, the sheriff's office may assist the King County fire marshal in enforcing the permitting, licensing and regulatory requirements of this chapter.

NEW SECTION. SECTION 7. There is hereby added to the chapter established in section 3 of this ordinance a new section to read as follows:

A. The retail sale of fireworks in unincorporated King County is prohibited.

B. The use, discharge or display of fireworks in unincorporated King County is prohibited absent a permit issued by the county pursuant to RCW 70.77.260(2) and this section.

C. Any person desiring to give a public display of fireworks shall submit to the fire marshal an

application for a permit to operate the public display. This is in addition to any permits required by Section 105 of the International Fire Code for pyrotechnic special effects material and use of hazardous materials. Public displays of fireworks shall not be permitted more than two days per calendar year on any site as defined in K.C.C. 21A.06.1170.

D. A complete permit application for a public display of fireworks shall be made at least twenty days in advance of the date set for the public display. Applications received after that date or incomplete applications shall be denied.

E. The fee for the permit shall be as established in K.C.C. Title 27. The permit required by this section shall be in addition to any license required by the state fire marshal under chapter 70.77 RCW. Permits for displays of fireworks for religious purposes shall not be subject to a fee, in accordance with RCW 70.77.311.

F.1. For any scheduled public display, applicants shall submit such information as deemed appropriate by the department and the sheriff's office to ensure that adequate traffic control and crowd protection policing has either been arranged through private security agencies or has been contracted for with the sheriff.

2. A written notice that the applicant has complied with this requirement shall be issued by the sheriff to the fire marshal before a public display permit is issued.

3. If the applicant contracts for traffic control and crowd protection policing with King County, the sum agreed upon in payment for the policing shall not be less than the actual expense incurred by the county in providing that service. The compensation for a contract for traffic control and crowd protection policing with King County shall be calculated for personnel resources in the hourly rate for overtime under the current collective bargaining agreement, plus the percentage being paid for fringe benefits, and all sums paid under the contract shall be paid in accordance with procedures specified by the county treasurer.

G. Every public display of fireworks shall be conducted with a pyrotechnic operator licensed by the state of Washington under RCW 70.77.255 supervising the handling and discharge of the fireworks.

H. A bond or certificate of insurance must be furnished to the department before a permit is issued. The

bond shall be in the amount of one million dollars and shall be conditioned upon the applicant's payment of all damages to persons and property resulting from or caused by the public display of fireworks, or by any negligence on the part of the applicant or its agents, servants, employees or subcontractors in the presentation of the display. The certificate of insurance shall evidence a comprehensive general liability insurance policy providing limits of one million dollars combined single limit, per occurrence and annual aggregate, and naming King County as an additional insured. Any such a bond or insurance policy must be approved by the fire marshal.

I. A cash deposit in the amount of one hundred fifty dollars must be posted with the department at least twenty days in advance of the public display date to provide for costs of site cleanup. The deposit shall be forfeited to King County if the operator fails to perform such cleanup within six days after the public display. If the operator properly performs the cleanup, the deposit shall be returned to the operator.

NEW SECTION. SECTION 8. There is hereby added to the chapter established in section 3 of this ordinance a new section to read as follows:

In the event of drought or other fire hazard conditions that pose a threat to public health, safety and welfare, the fire marshal, in consultation with the representatives of the fire districts of the county, may declare an emergency and prohibit the use or discharge of any fireworks, including public displays, until the hazard has been abated.

NEW SECTION. SECTION 9. There is hereby added to the chapter established in section 3 of this ordinance a new section to read as follows:

A. A violation of this chapter is a misdemeanor and is punishable as prescribed by law.

B. Notwithstanding any criminal penalty provided in this chapter, a person who violates this chapter or chapter 70.77 RCW is subject to the maximum civil penalty in an amount not to exceed two hundred fifty dollars per violation. In addition, a person in violation of this chapter is responsible for any costs incurred to enforce this chapter, including bringing a civil action, court costs and reasonable attorneys' fees. All civil

penalties assessed shall be enforced under K.C.C. Title 23.

C. A person commits a separate offense for each day during that the person commits, continues or permits a violation of this chapter.

D. The civil and criminal penalties described in subsections A. through C. of this section shall not be enforced for violations of section 7.B. of this ordinance as it pertains to the use or discharge of consumer fireworks, as defined in RCW 70.77.136, until one year after this ordinance takes effect under RCW 70.77.250. During the period in which these penalties are not being enforced, the King County sheriff's office and the fire marshal shall only issue warnings to violators of section 7.B. of this ordinance and shall provide information to violators on the county's laws governing fireworks.

SECTION 10. Ordinance 4461, Section 2, as amended, and K.C.C. 20.22.040 are hereby amended to read as follows:

The examiner shall issue final decisions in the following cases:

- A. Appeals of orders of the ombuds under the lobbyist disclosure code, K.C.C. chapter 1.07;
- B. Appeals of sanctions of the finance and business operations division in the department of executive services imposed under K.C.C. chapter 2.97;
- C. Appeals of career service review committee conversion decisions for part-time and temporary employees under K.C.C. chapter 3.12A;
- D. Appeals of electric vehicle recharging station penalties of the Metro transit department under K.C.C. 4A.700.700;
- E. Appeals of notice and orders of the manager of records and licensing services or the department of local services permitting division manager under K.C.C. chapter 6.01;
- F. Appeals of adult entertainment license denials, suspensions and revocations under K.C.C. chapter 6.09;
- G. Appeals of the fire marshal's decisions on fireworks permits under K.C.C. chapter ~~((6-26))~~ 17.XX

(the new chapter created under section 3 of this ordinance);

H. Appeals of cable franchise nonrenewals under K.C.C. 6.27A.060 and notices and orders under K.C.C. 6.27A.240;

I. Appeals of notices and orders of the department of natural resources and parks under K.C.C. chapter 7.09;

J. Appeals of decisions of the director of the department of natural resources and parks on surface water drainage enforcement under K.C.C. chapter 9.04;

K. Appeals of decisions of the director of the department of natural resources and parks on requests for rate adjustments to surface and storm water management rates and charges under K.C.C. chapter 9.08;

L. Appeals of decisions on water quality enforcement under K.C.C. chapter 9.12;

M. Appeals of notices and orders of the manager of animal control under K.C.C. chapter 11.04;

N. Certifications by the finance and business operations division of the department of executive services involving K.C.C. chapter 12.16;

O. Appeals of orders of the office of civil rights under K.C.C. chapter 12.17, K.C.C. chapter 12.18, K.C.C. chapter 12.20 and K.C.C. chapter 12.22;

P. Appeals of noise-related orders and citations of the department of local services, permitting division, under K.C.C. chapter 12.86;

Q. Appeals of utilities technical review committee determinations on water service availability under K.C.C. 13.24.090;

R. Appeals of decisions regarding mitigation payment system, commute trip reduction and intersection standards under K.C.C. Title 14;

S. Appeals of suspensions, revocations or limitations of permits or of decisions of the board of plumbing appeals under K.C.C. chapter 16.32;

T. Appeals of all Type 2 decisions under K.C.C. chapter 20.20, with the exception of appeals of

shoreline permits, including shoreline substantial development permits, shoreline variances and shoreline conditional uses, which are appealable to the state Shoreline Hearings Board;

U. Appeals of SEPA decisions, as provided in K.C.C. 20.44.120 and public rules adopted under K.C.C. 20.44.075;

V. Appeals of completed farm management plans under K.C.C. 21A.30.045;

W. Appeals of decisions of the interagency review committee created under K.C.C. 21A.37.070 regarding sending site applications for certification under K.C.C. chapter 21A.37;

X. Appeals of citations, notices and orders, notices of noncompliance, stop work orders issued pursuant to K.C.C. Title 23 or Title 1.08 of the rules and regulations of the King County board of health;

Y. Appeals of notices and certifications of junk vehicles to be removed as a public nuisance as provided in K.C.C. Title 21A and K.C.C. chapter 23.10;

Z. Appeals of decisions not to issue a citation or a notice and order under K.C.C. 23.36.010.A.2;

AA. Appeals of fee waiver decisions by the department of local services, permitting division, as provided in K.C.C. 27.02.040;

BB. Appeals from decisions of the department of natural resources and parks related to permits, discharge authorizations, violations and penalties under K.C.C. 28.84.050 and 28.84.060;

CC. Appeals of transit rider suspensions under K.C.C. 28.96.430;

DD. Appeals of department of public safety seizures and intended forfeitures, when properly designated by the chief law enforcement officer of the department of public safety as provided in RCW 69.50.505; and

EE. Other applications or appeals that are prescribed by ordinance.

SECTION 11. Ordinance 10870, Section 331, as amended, and K.C.C. 21A.08.040 are hereby amended to read as follows:

A. Recreational/cultural land uses.

P-Permitted Use C-Conditional Use S-Special Use	RESOURCE				R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
	SIC#	SPECIAL	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I
	PARK/												
*	Park	P1	P1	P1	P1	P1	P1	P1	P	P	P	P	P13
*	Trails	P	P	P	P	P	P	P	P	P	P	P	P
*	Campgr		P16 C16a	P16	P16 C16a	P16 C16a							P16 C16a
*	Destina		S		S18	C					C		
*	Marina		C 3		C4	C4	C4	C4	P5	P	P	P	P
*	Recreat		P19	P19	C2 and 18 P19	C2 P19							
*	Sports C				C4 and 18	C4	C4	C4	C	P	P		
*	Ski Are		S		S18								
*	Recreat		C		P24 C								
	AMUSI MENT:												
*	Adult E									P6	P6	P6	
*	Theater									P	P	P	P25
7833	Theater										C		
793	Bowling									P	P		P
*	Golf Fa				C7 and 18	P7	P7	P7					
7999 (14)	Amuser Services		P21	P21	P8 P21 C15 and 18	P8 P21 P22 C15	P8 P21 P22 C15	P8 P21 P22 C15	P21 P22	P	P	P21	P21
*	Indoor I									P26	P26		P26
*	Outdoor				C27	C27							
*	Shootin		C9		C9 and 18						C10		P10
*	Amuser									P	P		
7996	Amuser										C		
*	Outdoor		S		C12 S18		P20	P20			S		
	CULTU												
823	Library				P11	P11 C	P11 C	P28	P	P	P	P	
841	Museun	C23	C23		P11	P11 C	P11 C	P28	P	P	P	P	P
842	Arboret	P	P		P	P	P	P	P	P	P	P	
*	Confere				P29C1 2	P29C1 2	P29 C	P29 C	P	P	P	P	

B. Development conditions.

1. The following conditions and limitations shall apply, where appropriate:

- a. No stadiums on sites less than ten acres;
 - b. Lighting for structures and fields shall be directed away from rural area and residential zones;
 - c. Structures or service yards shall maintain a minimum distance of fifty feet from property lines adjoining rural area and residential zones, except for fences and mesh backstops;
 - d. Facilities in the A zone shall be limited to trails and trailheads, including related accessory uses such as parking and sanitary facilities; and
 - e. Overnight camping is allowed only in an approved campground.
2. Recreational vehicle parks are subject to the following conditions and limitations:
- a. The maximum length of stay of any vehicle shall not exceed one hundred eighty days during a three-hundred-sixty-five-day period;
 - b. The minimum distance between recreational vehicle pads shall be no less than ten feet; and
 - c. Sewage shall be disposed in a system approved by the Seattle-King County health department.
3. Limited to day moorage. The marina shall not create a need for off-site public services beyond those already available before the date of application.
4. Not permitted in the RA-10 or RA-20 zones. Limited to recreation facilities subject to the following conditions and limitations:
- a. The bulk and scale shall be compatible with residential or rural character of the area;
 - b. For sports clubs, the gross floor area shall not exceed ten thousand square feet unless the building is on the same site or adjacent to a site where a public facility is located or unless the building is a nonprofit facility located in the urban area; and
 - c. Use is limited to residents of a specified residential development or to sports clubs providing supervised instructional or athletic programs.
5. Limited to day moorage.
- 6.a. Adult entertainment businesses shall be prohibited within three hundred thirty feet of any property

zoned RA, UR or R or containing schools, licensed daycare centers, public parks or trails, community centers, public libraries or churches. In addition, adult entertainment businesses shall not be located closer than three thousand feet to any other adult entertainment business. These distances shall be measured from the property line of the parcel or parcels proposed to contain the adult entertainment business to the property line of the parcels zoned RA, UR or R or that contain the uses identified in this subsection B.6.a.

b. Adult entertainment businesses shall not be permitted within an area likely to be annexed to a city subject to an executed interlocal agreement between King County and a city declaring that the city will provide opportunities for the location of adult businesses to serve the area. The areas include those identified in the maps attached to Ordinance 13546.

7.a. Clubhouses, maintenance buildings, equipment storage areas and driving range tees shall be at least fifty feet from rural area and residential zoned property lines. Lighting for practice greens and driving range ball impact areas shall be directed away from adjoining rural area and residential zones. Applications shall comply with adopted best management practices for golf course development. Within the RA zone, those facilities shall be permitted only in the RA-5 and RA-2.5 zones. Not permitted in designated rural forest focus area, regionally significant resource areas or locally significant resource areas. Ancillary facilities associated with a golf course are limited to practice putting greens, maintenance buildings and other structures housing administrative offices or activities that provide convenience services to players. These convenience services are limited to a pro shop, food services and dressing facilities and shall occupy a total of no more than ten thousand square feet. Furthermore, the residential density that is otherwise permitted by the zone shall not be used on other portions of the site through clustering or on other sites through the transfer of density provision. This residential density clustering or transfer limitation shall be reflected in a deed restriction that is recorded at the time applicable permits for the development of the golf course are issued; and

b. In addition to ancillary facilities, an organizational hotel/lodging house shall be allowed as an accessory use, subject to the following:

- (1) only allowed in the R-1 zone;
- (2) only allowed with a privately owned golf facility that legally existed as of January 1, 2019;
- (3) only allowed as an incidental or subordinate use to a principal golf facility use;
- (4) a maximum of twenty-four sleeping units is allowed; and
- (5) shall be connected to and served by public sewer.

8. Limited to golf driving ranges, only as:

- a. accessory to golf courses; or
- b. accessory to a recreation or multiuse park.

9.a. New structures and outdoor ranges shall maintain a minimum distance of fifty feet from property lines adjoining rural area and residential zones, but existing facilities shall be exempt.

b. Ranges shall be designed to prevent stray or ricocheting projectiles, pellets or arrows from leaving the property.

c. Site plans shall include: safety features of the range; provisions for reducing sound produced on the firing line; elevations of the range showing target area, backdrops or butts; and approximate locations of buildings on adjoining properties.

d. Subject to the licensing provisions of K.C.C. Title 6.

10.a. Only in an enclosed building, and subject to the licensing provisions of K.C.C. Title 6;

b. Indoor ranges shall be designed and operated so as to provide a healthful environment for users and operators by:

- (1) installing ventilation systems that provide sufficient clean air in the user's breathing zone, and
- (2) adopting appropriate procedures and policies that monitor and control exposure time to airborne

lead for individual users.

11. Only as accessory to a park or in a building listed on the National Register as an historic site or designated as a King County landmark subject to K.C.C. chapter 21A.32.

12.a. Only as accessory to a nonresidential use established through a discretionary permit process, if the scale is limited to ensure compatibility with surrounding neighborhoods; and

b. In the UR zone, only if the property is located within a designated unincorporated rural town.

13. Subject to the following:

a. The park shall abut an existing park on one or more sides, intervening roads notwithstanding;

b. No bleachers or stadiums are permitted if the site is less than ten acres, and no public amusement devices for hire are permitted;

c. Any lights provided to illuminate any building or recreational area shall be so arranged as to reflect the light away from any premises upon which a dwelling unit is located; and

d. All buildings or structures or service yards on the site shall maintain a distance not less than fifty feet from any property line and from any public street.

14.a. Excluding amusement and recreational uses classified elsewhere in this chapter.

b. Fireworks display services, also known as public displays of fireworks, are allowed in all zones, subject to the requirements of K.C.C. chapter 17.xx (the new chapter created in section 3 of this ordinance).

15. For amusement and recreation services not otherwise provided for in this chapter:

a. In the RA zones, not subject to regulation under K.C.C. Title 6 and only on sites at least five acres or larger;

b. Retail sales are limited to incidental sales to patrons of the amusement or recreation service; and

c. Does not involve the operation of motor vehicles or off-road vehicles, including, but not limited to, motorcycles and go-carts.

16. Subject to the following conditions:

a. The length of stay per party in campgrounds shall not exceed one hundred eighty days during a three-hundred-sixty-five-day period; and

b. Only for campgrounds that are part of a proposed or existing county park, that are subject to

review and public meetings through the department of natural resources and parks.

17. Only for stand-alone sports clubs that are not part of a park.

18. Subject to review and approval of conditions to comply with trail corridor provisions of K.C.C. chapter 21A.14 when located in an RA zone.

19. Only as an accessory to a recreation or multiuse park.

20. Only as an accessory to a recreation or multiuse park of at least twenty acres located within the urban growth area or on a site immediately adjacent to the urban growth area with the floor area of an individual outdoor performance center stage limited to three thousand square feet.

21. Limited to rentals of sports and recreation equipment with a total floor area of no more than seven hundred fifty square feet and only as accessory to a park, or in the RA zones, to a recreation or multiuse park.

22. Only as accessory to a large active recreation and multiuse park and limited to:

- a. water slides, wave pools and associated water recreation facilities; and
- b. rentals of sports and recreation equipment.

23. Limited to natural resource and heritage museums and only allowed in a farm or forestry structure, including but not limited to barns or sawmills, existing as of December 31, 2003.

24. Use is permitted without a conditional use permit only when in compliance with all of the following conditions:

a. The use is limited to camps for youths or for persons with special needs due to a disability, as defined by the American With Disabilities Act of 1990, or due to a medical condition and including training for leaders for those who use the camp;

b. Active recreational activities shall not involve the use of motorized vehicles such as cross-country motorcycles or all-terrain vehicles or the use of firearms. The prohibition on motorized vehicles does not apply to such vehicles that may be necessary for operation and maintenance of the facility or to a client-specific vehicle used as a personal mobility device;

c.(1) Except as provided in subsection B.24.c.(2)(b) of this section, the number of overnight campers, not including camp personnel, in a new camp shall not exceed:

(a) one hundred and fifty for a camp between twenty and forty acres; or

(b) for a camp greater than forty acres, but less than two hundred and fifty acres, the number of users allowed by the design capacity of a water system and on-site sewage disposal system approved by the department of health, Seattle/King County, up to a maximum of three hundred and fifty; and

(2) Existing camps shall be subject to the following:

(a) For a camp established before August 11, 2005, with a conditional use permit and that is forty acres or larger, but less than one hundred and sixty acres, the number of overnight campers, not including camp personnel, may be up to one hundred and fifty campers over the limit established by subsection B.24.c.(1)(b) of this section.

(b) For a camp established before August 11, 2005, with a conditional use permit and that is one hundred and sixty acres or larger, but less than two hundred acres, the number of overnight campers, not including camp personnel, may be up to three hundred and fifty campers over the limit established by subsection B.24.c.(1)(b) of this section. The camp may terminate operations at its existing site and establish a new camp if the area of the camp is greater than two hundred and fifty acres and the number of overnight campers, not including camp personnel, shall not exceed seven hundred.

d. The length of stay for any individual overnight camper, not including camp personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

e. The camp facilities, such as a medical station, food service hall, and activity rooms, shall be of a scale to serve overnight camp users;

f. The minimum size of parcel for such use shall be twenty acres;

g. Except for any permanent caretaker residence, all new structures where camp users will be housed, fed or assembled shall be no less than fifty feet from properties not related to the camp;

h. In order to reduce the visual impacts of parking areas, sports and activity fields or new structures where campers will be housed, fed or assembled, the applicant shall provide a Type 3 landscape buffer no less than twenty feet wide between the nearest property line and such parking area, field, or structures, by retaining existing vegetation or augmenting as necessary to achieve the required level of screening;

i. If the site is adjacent to an arterial roadway, access to the site shall be directly onto said arterial unless direct access is unsafe due inadequate sight distance or extreme grade separation between the roadway and the site;

j. If direct access to the site is via local access streets, transportation demand management measures, such as use of carpools, buses or vans to bring in campers, shall be used to minimize traffic impacts;

k. Any lights provided to illuminate any building or recreational area shall be so arranged as to reflect the light away from any adjacent property; and

l. A community meeting shall be convened by the applicant before submittal of an application for permits to establish a camp, or to expand the number of camp users on an existing camp site as provided in subsection B.24.c.(2)(b) of this section. Notice of the meeting shall be provided at least two weeks in advance to all property owners within five hundred feet, or at least twenty of the nearest property owners, whichever is greater. The notice shall at a minimum contain a brief description of the project and the location, as well as, contact persons and numbers.

25. Limited to theaters primarily for live productions located within a Rural Town designated by the King County Comprehensive Plan.

26.a. Only in an enclosed building; and

b. A copy of the current liability policy of not less than one million dollars for bodily injury or death shall be maintained in the department.

27. Minimum standards for outdoor paintball recreation fields:

a. The minimum site area is twenty-five acres;

b. Structure shall be no closer than one hundred feet from any lot line adjacent to a rural area or residential zoned property;

c. The area where paintballs are discharged shall be located more than three hundred feet of any lot line and more than five hundred feet from the lot line of any adjoining rural area or residential zoned property. The department may allow for a lesser setback if it determines through the conditional use permit review that the lesser setback in combination with other elements of the site design provides adequate protection to adjoining properties and rights-of-ways;

d. A twenty-foot high nylon mesh screen shall be installed around all play areas and shall be removed at the end of each day when the play area is not being used. The department may allow for the height of the screen to be lowered to no less than ten feet if it determines through the conditional use permit review that the lower screen in combination with other elements of the site design provides adequate protection from discharged paintballs;

e. All parking and spectator areas, structures and play areas shall be screened from adjoining rural area or residential zoned property and public rights of way with Type 1 landscaping at least ten feet wide;

f. Any retail sales conducted on the property shall be accessory and incidental to the permitted activity and conducted only for the participants of the site;

g. A plan of operations specifying days and hours of operation, number of participants and employees, types of equipment to be used by users of the site, safety procedures, type of compressed air fuel to be used on the site and storage and maintenance procedures for the compressed air fuel shall be provided for review in conjunction with the conditional use permit application. All safety procedures shall be reviewed and approved by department of public safety before submittal of the conditional use permit application. All activities shall be in compliance with National Paintball League standards;

h. The hours of operation shall be limited to Saturdays and Sundays and statutory holidays from 8:30 A.M. to 8:30 P.M., and further restricted as applicable to daylight hours;

i. No more than one hundred paintball players shall be allowed on the site at any one time;

j. No outdoor lights or amplified sounds shall be permitted;

k. The facility shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the department determines through the conditional use permit review that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage;

l. The facility shall be secured at the close of business each day;

m. All equipment and objects used in the paintball activities shall be removed from the site within ninety days of the discontinuance of the paintball use; and

n. A copy of the current liability policy of not less than one million dollars for bodily injury or death shall be submitted with the conditional use permit application and shall be maintained in the department.

28. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.

29. Only as accessory to a recreation or multiuse park of least twenty acres located within the urban growth area or on a site immediately adjacent to the urban growth area or in a building listed on the National Register as an historic site or designated as a King County landmark subject to K.C.C. chapter 21A.32.

SECTION 12. Ordinance 10870, Section 548, as amended, and K.C.C. 21A.32.110 are hereby amended to read as follows:

A. The following uses shall be exempt from requirements for a temporary use permit when located in the RB, CB, NB, O or I zones for the time period specified below:

1. Uses not to exceed a total of thirty days each calendar year:

a. Christmas tree lots; and

b. ~~((Fireworks stands; and~~

e.)) Produce stands.

2. Uses not to exceed a total of fourteen days each calendar year:

- a. Amusement rides, carnivals or circuses;
- b. Community festivals; and
- c. Parking lot sales.

B. Any use not exceeding a cumulative total of two days each calendar year shall be exempt from requirements for a temporary use permit.

C. Any community event held in a park and not exceeding a period of seven days shall be exempt from requirements for a temporary use permit.

D. Christmas tree sales not exceeding a total of ~~((30))~~ thirty days each calendar year when located on Rural Area (RA) zoned property with legally established non-residential uses shall be exempt from requirements for a temporary use permit.

E.1. Events at a winery, brewery, distillery facility II or III shall not require a temporary use permit if:

a. The business is operating under an active Washington state Liquor and Cannabis Board production license issued for their current location before December 31, 2019, and where King County did not object to the location during the Washington state Liquor and Cannabis Board license application process;

b. The parcel is at least eight acres in size;

c. The structures used for the event maintain a setback of at least one hundred fifty feet from interior property lines;

d. The parcel is located in the RA zone;

e. The parcel has access directly from and to a principal arterial or state highway;

f. The event does not use amplified sound outdoors before 12:00 p.m. or after 8:00 p.m.

2. Events that meet the provisions in this subsection E. shall not be subject to the provisions of K.C.C. 21A.32.120, as long as the events occur no more frequently than an annual average of eight days per month.

SECTION 13. Ordinance 13332, Section 43, as amended, and K.C.C. 27.10.360 are hereby amended to

read as follows:

Fees shall be charged for reviewing applications and inspecting permits for fireworks display, special event, building occupancy and fire code operational permits as follows:

A.	((Fireworks stand	Maximum allowed under
		chapter 70.77 RCW
B.))	Special event or fireworks display	
1.	Application fee	\$250.00
2.	Inspection fee, per site visit	\$412.00
((C.)) B.	Building occupancy inspection, per building per site visit	\$216.00
((D.)) C.	Inspection for an operational permit under the International fire code	
1.	Initial permit, per code item	\$150.00
2.	Permit renewal, per code item	\$100.00

SECTION 14. Ordinance 17682, Section 48, as amended, and K.C.C. 27.10.580 are hereby amended to

read as follows:

Fees shall be charged for permit processing, clerical services, contractor certification, title elimination, permit extension, review of resubmitted plans and permit revisions, expedited review and after-hours inspection as follows:

A. A fee of seventy-five dollars shall be charged for reissuing a public notice.

B. The department may charge fees for clerical services unrelated to permits including, but not limited to, making copies, scanning documents, notarizing documents, gathering, preparing and publishing special request reports and providing publications. The fees shall be the actual cost to the department and shall be collected at the time services are requested. The department shall publish a schedule of these fees on the internet and in the public areas of its offices.

C. The fee for annual certification of a tank removal contractor is two hundred fifty dollars.

D. The fee for a title elimination is sixty dollars.

E. The fee for extension of a nonresidential building, fire, mechanical, sign, demolition, grading, site development or conditional use permit is one hundred sixty dollars.

F. The fee for the third or subsequent intake screening of an application submittal prior to acceptance is

fifty dollars for each screening. Unless otherwise specified in this title, the review of resubmitted plans or revisions to an issued building, fire((;)) or grading permit shall be charged a fee of twenty-five percent of the original application fee.

G. The fee for expedited review shall be one hundred fifty percent of the regular review fee, and shall be charged in lieu of the regular review fee in this title.

H. When building or land use inspections outside regular business hours are required by the construction schedule or otherwise requested by a permit holder, excluding inspections for ((fireworks stands,)) fireworks displays and other special events, the overtime labor cost of county personnel shall be charged in addition to the regular inspection fees.

SECTION 15.

A. The executive shall prepare a fireworks enforcement study report.

B. The study shall include, but not be limited to:

1. An evaluation of options to provide an immediate, unarmed, nonpolice response to reported fireworks violations from June 28 through July 6 of each year;
2. The estimated cost of each option analyzed as required in subsection A.1. of this section, and potential funding sources for each option; and
3. A recommended approach for ensuring the provision of immediate, unarmed, nonpolice response to fireworks violations during the time described in subsection B.1. of this section.

C. The report shall be transmitted to the council by June 30, 2022. If legislative action is necessary to implement the recommendations of the report, a proposed ordinance shall be transmitted with the report. The report shall be filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff to the committee of the whole, or its successor, and the lead staff to the law and justice committee, or its successor.

SECTION 16. A. The executive shall also prepare a second fireworks enforcement study report.

B. The report shall include the following, at a minimum, for the period from June 1, 2023, to January 1, 2027:

1. Information on the number of dispatched calls for service related to discharge of fireworks, by date;
2. Information on the number of civil and criminal citations given for violations of section 7.B. of this ordinance, and demographic information of those receiving citations; and
3. A table showing the number of dispatched calls for service and citations, by zip code, and an accompanying map or maps displaying this data.

C. The report shall be transmitted to the council by June 30, 2027. The report shall be filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff to the committee of the whole, or its successor, and the lead staff to the law and justice committee, or its successor.

SECTION 17. The following are hereby repealed:

- A. Ordinance 6836, Section 1, and K.C.C. 6.26.010;
- B. Ordinance 6836, Section 2, as amended, and K.C.C. 6.26.020;
- C. Ordinance 6836, Section 3, as amended, and K.C.C. 6.26.030;
- D. Ordinance 6836, Section 4, as amended, and K.C.C. 6.26.040;
- E. Ordinance 6836, Section 5, and K.C.C. 6.26.050;
- F. Ordinance 6836, Section 6, as amended, and K.C.C. 6.26.060;
- G. Ordinance 6836, Section 7, as amended, and K.C.C. 6.26.070;
- H. Ordinance 6836, Section 8, as amended, and K.C.C. 6.26.080;
- I. Ordinance 6836, Section 9, and K.C.C. 6.26.090;
- J. Ordinance 6836, Section 10, and K.C.C. 6.26.100;
- K. Ordinance 6836, Section 11, and K.C.C. 6.26.110; and

L. Ordinance 10850, Section 6, as amended, and K.C.C. 6.26.115.

SECTION 18. This ordinance takes effect on the date that the minimum time period after adoption required by RCW 70.77.250(4) has passed.

SECTION 19. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.