

Ordinance No 523 - 2015

An Ordinance Adopting an Amendment to Kitsap County Code Chapter 14.04 to Prohibit Sky Lanterns and Declaring an Emergency

WHEREAS, Chapter 14.04 of Kitsap County Code is the Kitsap County Building and Fire Code and it regulates, among other things, conditions hazardous to life and property from fire, explosions, and the handling or use of hazardous materials; and

WHEREAS, Kitsap County has become aware that sky lanterns, which are not considered fireworks under Washington law (Chapter 70.77 RCW), but are often sold at firework stands, in addition to other locations for entertainment or celebration reasons, pose serious fire and safety hazards; and

WHEREAS, according to the Office of the State Fire Marshal, sky lanterns are a fire and safety hazard because they have the ability to float 1,500 feet in altitude, travel up to 20 miles from the point of release and can land on combustible materials; and

WHEREAS, the National Association of State Fire Marshals calls them uncontrolled fire hazards because a flaming lantern can drop onto a rooftop, field, trees or power lines before the flame is fully extinguished resulting in destructive fires; and

WHEREAS, a number of local jurisdictions have prohibited sky lanterns, such as Tacoma, Mukilteo, and Kittitas County, as well as cities around the country, such as Washington DC, and other countries, including Australia, Argentina, Chile, Spain, and parts of Germany; and

WHEREAS, the Kitsap County Fire Marshal has recommended a ban on the lighting and release of sky lanterns within unincorporated Kitsap County; and

WHEREAS, the Kitsap County Department of Emergency Management has recently issued a fire warning due to extremely dry conditions and the Governor has declared a statewide drought; and

WHEREAS, fireworks stands are preparing to open for the 4th of July holiday and there is the immediate potential for these devices to be purchased and used, causing a fire hazard; and

WHEREAS, the next available regular meeting of the Board of County Commissioners following the required notice procedures would be after the 4th of July holiday; and

WHEREAS, the Kitsap County Board of Commissioners desires to protect the lands, fields, buildings and homes from the danger of fire by prohibiting the sale and use of sky lanterns within the unincorporated areas of the County and therefore wishes to adopt this protection prior to the start of the fire season.

NOW, THEREFORE THE KITSAP COUNTY BOARD OF COMMISSIONERS DO ORDAIN AS FOLLOWS:

Section 1. The recitals above are the legislative findings for this emergency ordinance.

Section 2. A new section 14.04.725 entitled "Sky Lanterns – Sale and Use Prohibited" shall be added to chapter 14.04 Kitsap County Code, "Technical Building Codes," as follows:

14.04.725 Sky Lanterns – Sale and Use Prohibited
IFC Section 307 is amended by adding a new section, 307.6 as follows:

307.6 Sky Lanterns are any unmanned device with a fuel source that incorporates an open flame in order to make the device airborne. The sale, use or distribution of Sky Lanterns is prohibited.

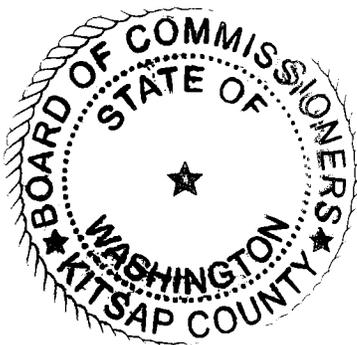
Section 3. Emergency. This ordinance is necessary for the immediate preservation of the public health, safety and welfare. The Commissioners shall hold a public hearing on the ordinance within (sixty) 60 days.

Section 3. Typographical/Clerical Errors. Should this any provision of this ordinance passed by the Commissioners during its deliberations and/or action of the ordinance be inadvertently omitted from the final printed version of the ordinance, the explicit action of the Board as discussed and enacted shall prevail upon subsequent review and verification by the Board, and shall be corrected administratively.

Section 4. Severability. If any sentence, section, provision, or clause of this ordinance or its application to any person, entity or circumstance is for any reason held invalid or unconstitutional, the remainder of the ordinance, or the application of the provision to other persons, entities, or circumstances is not affected.

Section 5. Effective Date. This Ordinance shall take effect immediately.

DATED this 22nd day of June, 2015



ATTEST:

Dana Daniels
Dana Daniels, Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

Robert Gelder
ROBERT GELDER, Chair

Edward E. Wolfe
EDWARD E. WOLFE, Commissioner

Charlotte Garrido
CHARLOTTE GARRIDO, Commissioner

APPROVED AS TO FORM: -

[Signature]
Deputy Prosecuting Attorney