FINAL

EATONVILLE TOWN COUNCIL
REGULAR COUNCIL MEETING AGENDA

THIS MEETING WILL BE HELD AT THE
EATONVILLE COMMUNITY CENTER
305 CENTER ST. WEST, EATONVILLE

AGENDAS ARE SUBJECT TO CHANGE

6:15 PM STUDY SESSION TO DISCUSS 2010 BUDGET FINALS

7:00 PM REGULAR COUNCIL MEETING MARCH 28, 2011

1. CALL TO ORDER

A. ROLL CALL
ALLISON _____ PIERCE_____ BOWMAN ____ VALENTINE _____
SCHAUB _____

2. OPENING CEREMONIES

A. PLEDGE OF ALLEGIANCE

B. TOWN OF EATONVILLE- MISSION STATEMENT

"The Towns mission is to create, provide and administer municipal services while protecting the present and future health, safety and general welfare of the community"

3. AGENDA REVIEW and APPROVAL/SET TIME RESTRICTIONS

4. COMMENTS FROM CITIZENS

5. CONSENT AGENDA

A. Payroll Checks	23432 thru 23457	$	91,123.84
B. Payroll Checks	23458 thru 23467	$	56,604.64
C. Claim Checks	29552 thru 29553	$	903.70
D. Claim Checks	29554 thru 29590	$	171,603.07

E. Confirm bid award to Mountain View Roofing

6. DEPARTMENT HEAD/COUNCIL COMMITTEE/BOARD/COMMISSION REPORT

A. COMMITTEE REPORTS
B. MAYOR'S REPORT
C. STAFF REPORTS-
D. FINANCE REPORT

7. UNFINISHED BUSINESS

A. RESOLUTION 2011-H

A RESOLUTION SETTING THE RATES FOR REFUSE COLLECTION AND RECYCLING COLLECTION IN THE TOWN OF EATONVILLE AND REPEALING RESOLUTIONS 2007-N, 2008-R, 2010-O, AND 2010-KK

8. NEW BUSINESS

A. RESOLUTION 2011-M

A RESOLUTION OF THE EATONVILLE TOWN COUNCIL AUTHORIZING THE MAYOR TO SIGN AN INDEPENDENT CONTRACTOR AGREEMENT WITH ROBERT WALTER

B. ORDINANCE 2011-1 –PUBLIC HEARING

AN ORDINANCE ADOPTING AN AMENDED AND RESTATED VERSION OF THE TOWN OF EATONVILLE'S FIREWORKS CODE CODIFIED AT CHAPTER 8.16 OF THE EATONVILLE MUNICIPAL CODE, ADDING NEW CHAPTERS 18.17 AND 18.18 TO THE EATONVILLE MUNICIPAL CODE REGULATING MANUFACTURE, DISCHARGE AND PUBLIC DISPLAY OF FIREWORKS, AND AMENDING TOWN OF EATONVILLE MUNICIPAL CODE SECTION 8.11.110 & 9.16.020 TO EXEMPT CERTAIN ALLOWED USES OF FIREWORKS UNDER THIS ORDINANCE

9. COUNCIL MEMBER COMMENTS

10. ADJOURNMENT

MEMORANDUM

To: The Eatonville Town Council
From: Nick Bond
Date: March 22, 2011
RE: Ordinance 2011-1 Fireworks Ordinance

At Issue

At the request of citizens and the Town Council, the Public Safety Committee met on March 1, 2011 to discuss the status of the sale and discharge of fireworks in the town. Ordinance 2011-1 is product of that meeting.

Proposed Changes

The ordinance seeks to balance issues of public safety and 4th of July and New Year celebrations while providing the police department with an easy to enforce ordinance. The ordinance has 4 components:

1. The Sale of Fireworks
2. Public Displays of Fireworks
3. The Discharge and Manufacture of Fireworks
4. Noise Nuisances

Several WAC sections have been provided in the packet to inform you of the current state laws regarding fireworks. Many of these sections are referenced in the proposed ordinance.

Chapter 8.16 Sale of Fireworks

This chapter has been revamped and to be consistent with the language contained in the RCWs and WACs. Old references to "safe and sane" and "dangerous fireworks" have been replaced by the standard definitions as provided by state law. The fee for a permit and the list of entities eligible to operate a fireworks stand has not changed. The window for fireworks sales has been narrowed to better correspond with the new proposed window for the discharge of fireworks. A new provision establishing the zones in which sales can occur and the separation between stands has been added. The committee had suggested that stands be required to post lists of legal fireworks on the stands however it was discovered that this is already required by state law. The State Fire Marshall publishes a list of legal fireworks. This list is included in your packet.

Chapter 8.17 Public Display of Fireworks

Chapter 8.17 is a proposed new section of code which is largely borrowed from the Tacoma Municipal Code. This section was not reviewed at the committee meeting or recommended by the committee but was presented to the committee as part of the final draft and no one expressed concerns about its inclusion. The Fire Department supports

its inclusion as it goes above and beyond the WAC's regarding the public display of fireworks (WACs 212-17-(220-345) attached) to ensure safety. Council could at its option choose to leave this section out of the new ordinance.

Chapter 8.18 Manufacture and Discharge of Fireworks

This new code section has been separated from the proposed section 8.16 because it deals with the civil and criminal implications of fireworks beyond noise nuisances. It proposes to narrow the window for the discharge of fireworks from 6/28-7/7 to 7/3-7/4 and institute civil infractions for people who illegally discharge and/or discharge illegal fireworks. The section goes further to ban the manufacture of fireworks within the town and to authorize the police to seize illegal fireworks.

Chapters 9.16 and 8.11 Disturbing the Peace and Noise Nuisances

These sections have been updated to be compatible with the proposed new dates and times during which fireworks may be discharged.

Recommendation

Town staff recommends approval of Ordinance 2011-1 as presented.

Eatonville Fire/EMS Department

Memo

To: Mayor Harper and Town Council Members

From: Bud Lucas

Date: 3/23/2011

Re: Fireworks Code revision

We have reviewed the proposed code revision for fireworks in the Town of Eatonville. The Fire/EMS Department is in support of the making the changes proposed by the public safety committee. Please feel free to contact us with any questions at (360) 832-6931.

Thank You,
Bud Lucas

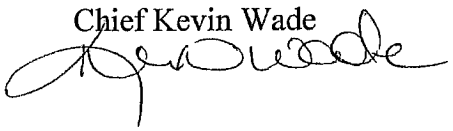
MEMO

March 22, 2011

TO: Mayor Ray Harper, Eatonville Town Council

I have reviewed the current fireworks ordinance that has been submitted for council approval. I support the new ordinance as it lends itself to better enforcement with clear and articulable guidelines.

Chief Kevin Wade



ORDINANCE NO. 2011-[1]

AN ORDINANCE ADOPTING AN AMENDED AND RESTATED VERSION OF THE TOWN OF EATONVILLE'S FIREWORKS CODE CODIFIED AT CHAPTER 8.16 OF THE EATONVILLE MUNICIPAL CODE, ADDING NEW CHAPTERS 18.17 AND 18.18 TO THE EATONVILLE MUNICIPAL CODE REGULATING MANUFACTURE, DISCHARGE AND PUBLIC DISPLAY OF FIREWORKS, AND AMENDING TOWN OF EATONVILLE MUNICIPAL CODE SECTION 8.11.110 & 9.16.020 TO EXEMPT CERTAIN ALLOWED USES OF FIREWORKS UNDER THIS ORDINANCE

WHEREAS, the Town of Eatonville originally enacted its fireworks code provisions in 1966; and

WHEREAS, changes to applicable federal and Washington statutes and regulations respecting fireworks have been made since that; and

WHEREAS, the Town of Eatonville wishes to amend and restate its fireworks code, in its entirety, to conform with changes to applicable federal and Washington statutes and regulations, and to provide rules and procedure for the use of such fireworks in the Town of Eatonville and permits related thereto; and

WHEREAS, the proposed action will require the Town of Eatonville to repeal or amend certain previously passed ordinances and portions of the Eatonville Municipal Code;

NOW THEREFORE, BE IT ORDAINED by the Council of the Town of Eatonville, Washington, as follows:

Ordinance 223 §§ 1-13, 1966, codified at Eatonville Municipal Code 8.16.010 – 8.16.120, is hereby repealed.

Section 1. A new Section 8.16.010 is hereby added to the Eatonville Municipal Code, which shall read as follows:

> **8.16.010 Intent.** It is the intent of this section to provide a procedure for the granting of permits and for the sale of consumer fireworks as that term is defined in WAC 212-17-035.

Section 2. A new Section 8.16.020 is hereby added to the Eatonville Municipal Code which shall read as follows:

> **8.16.020 Permit Required.** It is unlawful to engage in the retail sale of fireworks within the town without having first obtained an annual fireworks sales permit from the town clerk.

Section 3. A new Section 8.16.030 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.16.030 Application and Fee. Persons seeking an annual fireworks sales permit shall complete and submit an application on a form as prescribed by the town clerk and pay a $10.00 annual application fee.

Section 4. A new Section 8.16.040 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.16.040 Permit Issuance.

A. Fireworks sales permits shall only be issued to applicants meeting the following qualifications:

1. Nonprofit, charitable, religious , or eleemosynary corporations organized and existing primarily for veteran, patriotic, religious, charitable, or civic betterment purposes; and

2. Said corporation or association has its principal and permanent meeting place in the town and has been organized and established in the town for a period of at least one year prior to the date the application is made for the fireworks sales permit.

B. The application shall be made on or prior to the second Tuesday in April of each year. Applicants desiring a permit for the retail sale of fireworks must submit a written application to the Town's Fire Chief. Upon receipt of such an application, the Town's Fire Chief shall investigate the application and submit a report of findings and a recommendation for or against the issuance of the permit, together with reasons, to the Town Council or the Council's designee for the purpose of receiving such reports. The Town Council, or its designee, shall grant such application if the application meets the standards devised by RCW Chapter 70.77, WAC Chapter 212-17, and any local regulations adopted by the Town.

C. Applicants for a permit shall be notified by the Town of the granting or rejection of their application on or before the 28th of April of each year.

D. Any applicant whose application is denied shall be refunded their $10.00 application fee.

E. A fireworks sales permit shall only cover 1 sales retail sales outlet.

F. No organization may receive more than one application per calendar year.

Section 5. A new Section 8.16.050 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.16.050 Permitting Preference. Applications for the renewal of permits will be given preference over applicants not previously permitted; provided that if the holder of the permit fails to make application by the second Tuesday in April, said preference shall be forfeited.

Section 6. A new Section 8.16.060 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.16.060 Fireworks Stand Locations. Fireworks stands shall only be permitted in Commercial zones and must be separated by at least 300 feet.

Section 7. A new Section 8.16.070 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.16.070 Operation of Stands

A. No Person other than the permittee organization or affiliates shall operate the stand for which the permit is issued, or share or otherwise participate in the benefits of the stand.

B. Fireworks stand operators shall comply with all RWC and WAC requirements governing the operation of fireworks stands including but not limited to WAC 212-17-185, 212-17-198, 212-17-203, 212-17-21503, 212-17-21505, 212-17-21507, 212-17-21509, 212-17-21511, 212-17-21513, 212-17-21515, 212-17-21517, and 212-17-21519.

C. It is unlawful to offer for retail sale, expose for retail sale, or sell at retail any fireworks within the town except from 12:00 noon on June 28th to 9:00pm on July 4th of each year.

Section 8. A new Section 8.16.080 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.16.080 Violation – Penalty. Any person or entity who violates, disobeys, omits or neglects or refuses to comply with or resist the enforcement of any of the provisions of the ordinance codified in this chapter is guilty of a misdemeanor and shall upon conviction be punished by a fine not to exceed $500.00 or by imprisonment for not more than 30 days or may be punished by both such fine and imprisonment; provided, that each separate day of violation shall constitute a separate violation of the ordinance codified in this chapter.

Section 9. A new Section 8.17.010 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.17.010 Intent. It is the intent of this section to provide for the permitting of and safety related to public displays of fireworks.

Section 10. A new Section 8.17.020 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.17.020 Public Display of Fireworks

A. Every public display of fireworks shall be handled by a competent operator approved by a permit issued by the Fire Chief and be of such character, and so located, discharged, or fired, that, in the opinion of the Chief after proper investigation, it will not constitute a hazard to property or endanger any person. Any person desiring a permit for a public display of fireworks must make an application in writing to the Fire Chief at least ten days in advance of the proposed display according to the procedures outlined in WAC 212-17-270 – WAC 212-17-280.

B. A state pyrotechnics license is required for operators of public displays of fireworks.

C. A bond or certificate of insurance from a company or companies approved by the Town must be furnished to the Department before a permit is issued. The bond shall be in the amount of $1,000,000 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 in the presentation of the display on the part of the applicant or its agents, servants, employees, or subcontractors. The certificate of insurance shall evidence a Comprehensive General Liability insurance policy (including explosion and collapse hazards, automobile coverage, and Jones Act coverage where the base of operations is on water) providing $1,000,000 combined single limit for all coverage per occurrence. The policy shall name the Town as an additional insured thereunder and stipulate it is primary coverage, regardless of what other insurance the Town may carry on its own behalf. The Town shall be given not less than 15 days' advance written notice of any termination or material change to the policy.

D. Transportation and storage.

1. All fireworks shall be transported within the Town in accordance with 49 CFR Part 177 and 397.9(b) prior to reaching the display site.

2. As soon as the fireworks have been delivered to the display site, they shall be attended and shall remain dry.

3. All shells shall be inspected by the display operator upon delivery to the display site. Any shells having tears, leaks, broken fuses, or showing signs of having been wet shall be set aside and not fired. After the display, any such shells shall be either returned to the supplier or destroyed according to the supplier's instructions.

4. All fireworks at the firing site must be stored in ready boxes (substantially constructed wood magazines). During the display, the magazines must be 25 feet upwind (relation to firing time) from the nearest mortar. Magazine lids must open in the opposite direction to the firing. All ready boxes are to be protected by a flameproof water repellent canvas cover until emptied.

5. The shell storage area shall be located at least 25 feet from the discharge site.

6. During the display, shells shall be stored upwind from the discharge site. If the wind shifts during the display, the shell storage area shall be relocated to be upwind from the discharge site.

E. Preparation of site and crowd control.

1. All dry grass, weeds, and other combustible waste matter within 50 feet of the firing site shall be removed.

2. The site shall be located so that the trajectory of shells shall not come within 25 feet of any overhead object.

3. Discharged fireworks shall not come within 100 feet of any tent or canvas shelter.

4. The firing and storage site shall be located at least 200 feet from any building.

5. The operator shall provide sufficient security personnel to assure that no unauthorized persons are allowed within 200 feet of the firing and storage site. This requirement shall be in effect from one-half hour prior to the arrival of fireworks until all fireworks debris, equipment, and fireworks have been removed from the site.

6. Spectators shall be restrained behind lines or barriers at least 200 feet from the firing and storage locations.

F. Installation of mortars.

1. Mortars shall be inspected for dents, bent ends, and cracked or broken plugs prior to ground placement. Mortars found to be defective in any way shall not be used. Any scale on the inside surface of the mortars shall be removed.

2. Mortars shall be positioned so that the shells are carried away from spectators and buildings. When fired over water, mortars shall be installed at an angle of at least 10 degrees, pointing toward the water.

3. Mortars shall be either buried securely into the ground to a depth of two-thirds to three-quarters of their length or fastened securely in mortar boxes or drums. In soft ground, heavy timber or rock slabs shall be placed beneath the mortars to prevent their sinking or being driven into the ground during firing.

4. In damp ground, a weather-resistant bag shall be placed under the bottom of the mortar prior to placement in the ground to protect the mortar against moisture.

5. Weather-resistant bags shall be placed over the open end of the mortar in damp weather to keep moisture from accumulating on the inside surface of the mortar.

6. Sandbags, dirt boxes, or other suitable protection shall be placed around the mortars to protect the operator from ground bursts. This requirement does not apply to the down-range side of the discharge site.

G. Operation of the display.

1. The operator shall provide fire protection at the site as required by the Fire Chief.
2. Only permitted fireworks are authorized for use.
3. If, in the opinion of the Fire Chief or the Chief's authorized representative, lack of crowd control should pose a danger, the display shall be immediately discontinued until such time as the situation is corrected.
4. If, at any time, high winds or unusually wet weather conditions present a definite danger, in the opinion of the Fire Chief, the Chief's authorized representative, or the display operator, the public display shall be postponed until weather conditions allow the safe discharge of fireworks.
5. Light snow or mist need not cause cancellation of the display; however, all materials used in the display shall be protected from the weather until immediately prior to use.
6. Display operators and assistants shall use only flashlights or approved electric lighting for artificial illumination.
7. No smoking or open flames are allowed within 50 feet of the firing or storage area as long as shells are present. Signs to this effect shall be conspicuously posted.
8. The first shell fired shall be carefully observed to determine that its trajectory will carry it into the intended firing range and that the shell functions over, and debris falls into, the planned landing area.
9. The mortars shall be re-angled or reset, if necessary, at any time during the display.
10. When a shell fails to ignite in the mortar, the mortar shall not be touched for at least five minutes. After five minutes, it shall be carefully flooded with water. Immediately following the display, the mortar shall be emptied into a bucket of water. The supplier shall be contacted as soon as possible for proper disposal instructions.
11. Operators shall not attempt to repair a damaged shell, nor shall they attempt to dismantle a dry shell. In all such cases, the supplier shall be contacted as soon as possible for proper disposal instructions.
12. Operators shall not dry a wet shell, lance, or pot for reuse.
13. The entire firing range shall be inspected immediately following the display to locate any defective shells. Any such shells found shall be immediately doused with water before handling. The shells shall be placed in a bucket of water. The supplier shall then be contacted as soon as possible for proper disposal instructions.
14. When fireworks are displayed in darkness, the sponsor shall ensure that the firing range is inspected early the following morning.
15. Any fireworks remaining unfired after the display shall be immediately disposed of or removed from the Town in a safe manner.
16. Operators shall properly dispose of all debris from discharged fireworks.

H. Denial by the Chief of a permit for the public display of fireworks may be appealed to the Town Council.

Section 11. A new Section 8.18.010 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.18.010 Intent. It is the intent of this section to establish rules governing the discharge (excluding public displays of fireworks in accordance with EMC 8.17) and manufacture of fireworks within the town.

Section 12. A new Section 8.18.020 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.18.020 Prohibited Acts

A. The discharge of fireworks within the Town of Eatonville is prohibited except as follows:

1. "Consumer Fireworks" as defined in RCW 70.77.136 may be discharged on the following dates during the times indicated:

July 3: 12:00pm – 11:00pm
July 4: 12:00pm – 11:00pm
December 31st 6:00pm – January 1st 1:00am

2. Public displays of fireworks conforming to all state laws with the approval of the Eatonville Fire Chief.

B. Any discharge of fireworks identified as prohibited in 8.18.020 (A) above is a class one civil infraction and, upon a finding that a violation has been committed, the person committing the act, or in the event of a minor, their parent(s) or legal guardian(s) shall be assessed as follows:

First Offense: $100.00
Second Offense: $250.00
Additional Offenses: $250.00

Such penalty is in addition to any other remedies or penalties specifically provided by law. For each act herein prohibited of a continuing nature, each day shall be considered a separate offense. "Civil infraction" has the meaning given that term by chapter 7.80 RCW, the Infraction Rules for Courts of Limited Jurisdiction ("IRLJ") and any local rule adopted thereto by the Eatonville Municipal Court.

C. The manufacture of fireworks within the Town is prohibited. Violation of this subsection is a misdemeanor, punishable by 90 days in jail, a $1,000 fine, or both such fine and imprisonment.

Section 12. A new Section 8.18.030 is hereby added to the Eatonville Municipal Code which shall read as follows:

8.18.030 Seizure of fireworks.

The Police Chief or his/her designee may seize, remove, or cause to be removed, at the expense of the owner, all fireworks manufactured or used in violation of this chapter.

A. Any person whose fireworks are seized under this chapter may, within ten days after such seizure, petition the Chief in writing to return the fireworks upon the grounds that they were illegally or erroneously seized. Such petitions shall be considered by the Chief within 15 days after filing and an oral hearing granted to the petitioner, if requested. The decision of the Chief shall be provided in writing to the petitioner. The Chief may order the fireworks seized under this chapter, disposed of, or returned to the petitioner if illegally or erroneously seized, if such return is in compliance with state law or this chapter.

B. The determination of the Chief is final unless, within 60 days, an appeal of the seizure is made to the Town Council of the Town. The decision of the Town Council shall be final.

C. Fireworks which are illegal for use and possession in this state shall be turned over to the State Fire Marshal for destruction.

Section 13. Section 9.16.020 of the Eatonville Municipal Code is hereby amended to read as follows:

9.16.020 Disturbing peace. Any person who by noisy, riotous or tumultuous conduct disturbs the peace and quiet of the town or of any meeting or assemblage therein is guilty of a misdemeanor. (Ord. 79-2 § 29, 1979). Legally discharged fireworks in accordance with EMC 8.16, 8.17, and 8.18 shall be exempt from this provision.

Section 14. Section 8.11.110 of the Eatonville Municipal Code is hereby amended to read as follows:

8.11.110 Exemptions.

A. Between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and 9:00 a.m. and 6:00 p.m. on Saturdays and Sundays, the following shall be exempt from this chapter; however, other state restrictions may apply:

1. Sounds originating from residential property as a result of temporary projects for the construction, maintenance, or repair of homes, grounds, and appurtenances;
2. Sounds created by the discharge of firearms on authorized shooting or firing ranges;
3. Sounds created by blasting;
4. Sounds created by aircraft engine testing and maintenance not related to flight operations; provided, that aircraft testing and maintenance shall be conducted at remote sites whenever possible;

5. Sounds created by the installation or repair of essential utility services;

6. Sounds originating from temporary, nonresidential construction sites as a result of construction activity are exempt from this chapter.

B. The following shall be exempt from this chapter:

1. Sounds from electrical substations and existing stationary equipment used in the conveyance of water or wastewater by a utility;

2. Sounds from existing industrial installations which exceed the standards contained in these regulations and which, over the previous three years, have consistently operated in excess of 15 hours per day as a consequence of process necessity and/or demonstrated routine normal operation. Changes in working hours which would affect exemptions under this regulation require approval of the director of public works;

3. Sounds commonly associated with an existing commercial operation which has been approved through a public hearing process and is operating in compliance with any permit conditions;

4. Sounds commonly associated with an existing commercial operation which was established prior to the effective date of any land use regulation(s) and is thereby nonconforming;

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

6. Sounds created by surface carriers engaged in interstate commerce by railroad;

7. Sounds created by warning devices not operated continuously for more than five minutes (bells, chimes, and carillons);

8. Sounds created by safety and protective devices where noise suppression could defeat the intent of the device or is not economically feasible;

9. Sounds created by emergency equipment and work necessary in the interests of law enforcement or for the health, safety, or welfare of the community;

10. Sounds originating from motor vehicle or motorcycle racing events at existing authorized facilities, or being sanctioned by a responsible authority under a valid permit or license;

11. Sounds originating from officially sanctioned parades and other public events under a valid permit or license;

12. Sounds emitted from petroleum refinery boilers during startup of said boilers; provided, that the startup operation is performed during daytime hours whenever possible;

13. Sounds created by the discharge of firearms in the course of hunting;

14. Sounds created by the discharge ~~of legal~~ fireworks in accordance with EMC 8.17 and 8.18. ~~are exempt from this chapter between from 12:00 noon on June 28th, to 12:00 noon on July 5th between the hours of 10:00 a.m. to 11:00 p.m.~~ (Ord. 2006-05 § 1, 2006; Ord. 2005-17 § 1, 2005).

Section 14. Severability. 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 15. Savings. Ordinance 223 §§ 1-13, 1966, codified at Eatonville Municipal Code 8.16.010 – 8.16.120, which is repealed by this ordinance, shall remain in force and effect until the effective date of this ordinance.

Section 16. Effective Date. This ordinance shall become effective after its passage by the Council, approval, and publication as required by law except for Section 7, Part C and Section 10 which will become effective one year after passage by the Council, approval and publication as required by law.

PASSED by the Town Council of the Town of Eatonville on this ___ day of _____, 2011.

TOWN OF EATONVILLE

_____

RAYMOND HARPER, MAYOR

ATTEST/AUTHENTICATED:

By: _____

Chrystal McGlone, Town Clerk

APPROVED AS TO FORM:

By: _____

Patterson Buchanan Fobes Leitch & Kalzer, Inc., P.S., Town Attorneys

Chapter 70.77 RCW
State fireworks law

RCW Sections

70.77.111 Intent.
70.77.120 Definitions -- To govern chapter.
70.77.124 Definitions -- "City."
70.77.126 Definitions -- "Fireworks."
70.77.131 Definitions -- "Display fireworks."
70.77.136 Definitions -- "Consumer fireworks."
70.77.138 Definitions -- "Articles pyrotechnic."
70.77.141 Definitions -- "Agricultural and wildlife fireworks."
70.77.146 Definitions -- "Special effects."
70.77.160 Definitions -- "Public display of fireworks."
70.77.165 Definitions -- "Fire nuisance."
70.77.170 Definitions -- "License."
70.77.175 Definitions -- "Licensee."
70.77.177 Definitions -- "Local fire official."
70.77.180 Definitions -- "Permit."
70.77.182 Definitions -- "Permittee."
70.77.190 Definitions -- "Person."
70.77.200 Definitions -- "Importer."
70.77.205 Definitions -- "Manufacturer."
70.77.210 Definitions -- "Wholesaler."
70.77.215 Definitions -- "Retailer."
70.77.230 Definitions -- "Pyrotechnic operator."
70.77.236 Definitions -- "New fireworks item."
70.77.241 Definitions -- "Permanent storage" -- "Temporary storage."
70.77.250 Chief of the Washington state patrol to enforce and administer -- Powers and duties.
70.77.252 Civil penalty -- Notice -- Remission, mitigation, review.
70.77.255 Acts prohibited without appropriate licenses and permits -- Minimum age for license or permit -- Activities permitted without license or permit.
70.77.260 Application for permit.
70.77.265 Investigation, report on permit application.
70.77.270 Governing body to grant permits -- Statewide standards -- Liability insurance.
70.77.280 Public display permit -- Investigation -- Governing body to grant -- Conditions.
70.77.285 Public display permit -- Bond or insurance for liability.
70.77.290 Public display permit -- Granted for exclusive purpose.
70.77.295 Public display permit -- Amount of bond or insurance.
70.77.305 Chief of the Washington state patrol to issue licenses -- Registration of in-state agents.

70.77.311 Exemptions from licensing -- Purchase of certain agricultural and wildlife fireworks by government agencies -- Purchase of consumer fireworks by religious or private organizations.

70.77.315 Application for license.

70.77.320 Application for license to be signed.

70.77.325 Annual application for a license -- Dates.

70.77.330 License to engage in particular act to be issued if not contrary to public safety or welfare -- Transportation of fireworks authorized.

70.77.335 License authorizes activities of sellers, authorized representatives, employees.

70.77.340 Annual license fees.

70.77.343 License fees -- Additional.

70.77.345 Duration of licenses and retail fireworks sales permits.

70.77.355 General license for public display -- Surety bond or insurance -- Filing of license certificate with local permit application.

70.77.360 Denial of license for material misrepresentation or if contrary to public safety or welfare.

70.77.365 Denial of license for failure to meet qualifications or conditions.

70.77.370 Hearing on denial of license.

70.77.375 Revocation of license.

70.77.381 Wholesalers and retailers -- Liability insurance requirements.

70.77.386 Retailers -- Purchase from licensed wholesalers.

70.77.395 Dates and times consumer fireworks may be sold or discharged -- Local governments may limit, prohibit sale or discharge of fireworks.

70.77.401 Sale of certain fireworks prohibited.

70.77.405 Authorized sales of toy caps, tricks, and novelties.

70.77.410 Public displays not to be hazardous.

70.77.415 Supervision of public displays.

70.77.420 Permanent storage permit required -- Application -- Investigation -- Grant or denial -- Conditions.

70.77.425 Approved permanent storage facilities required.

70.77.430 Sale of stock after revocation or expiration of license.

70.77.435 Seizure of fireworks.

70.77.440 Seizure of fireworks -- Proceedings for forfeiture -- Disposal of confiscated fireworks.

70.77.450 Examination, inspection of books and premises.

70.77.455 Licensees to maintain and make available complete records -- Exemption from public records act.

70.77.460 Reports, payments deemed made when filed or paid or date mailed.

70.77.480 Prohibited transfers of fireworks.

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WAC 212-17-185
Retailers of fireworks — License and permit.

(1) Persons desiring to engage in the business of selling fireworks at retail shall secure a license from the director of the Washington state patrol fire protection bureau.

(2) In addition to the state license, a permit must be obtained from the local governmental officials having jurisdiction.

(a) The application shall be made on forms provided by the director of fire protection and shall be accompanied by the license fee of forty dollars.

(b) License applications shall be made on or before May 1 of the year for which the license is desired.

(c) The director of fire protection shall grant or deny the license within fifteen days of receipt of the application.

(d) Applicants are cautioned to first determine whether a local retail sales permit for fireworks can be obtained.

(3) A retailer's license to sell fireworks shall not authorize the licensee to engage in any other fireworks activity. Retailers are limited to selling only those fireworks which have been approved for sale to the public and appear on the list of approved fireworks published annually by the director of fire protection. A copy of the list shall be prominently posted at each retail outlet.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-185, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW. 98-04-007, § 212-17-185, filed 1/23/98, effective 2/23/98. Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-185, filed 3/31/88. Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-185, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-185, filed 11/2/82.]

WAC 212-17-198

Retailers of fireworks — List.

The following is the list of fireworks that may be sold to the public.

(1) Ground and hand-held sparkling devices.

(a) Dipped stick, sparkler. Stick, or wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. Total pyrotechnic composition may not exceed 100 grams per item. Those devices containing any perchlorate or chlorate salts may not exceed 5 grams of pyrotechnic composition per item. Wire sparklers which contain no magnesium and which contain less than 100 grams of composition per item, not Class C explosives under DOT regulations, are included in this category.

(b) Cylindrical fountain. Cylindrical tubes not more than 3/4 inch (19 mm) inside diameter, containing up to 75 grams of pyrotechnic composition. Upon ignition, a shower of colored sparks, and sometimes a whistling effect is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle, if intended to be hand-held (handle fountain).

(c) Cone fountain. Cardboard or heavy paper cone containing up to 50 grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain.

(d) Illuminating torch. Cylindrical tube containing up to 100 grams of pyrotechnic composition. Upon ignition, colored fire is produced. May be spike, base, or hand-held.

(e) Wheel. Pyrotechnic device attached to a post or tree by means of a nail or string. Each wheel may contain up to six "driver" units; tubes not exceeding 1/2 inch (12.5 mm) inside diameter and containing up to 60 grams of pyrotechnic composition. Total pyrotechnic composition of each wheel shall not exceed 240 grams. Upon ignition, the wheel revolves, producing a shower of color and sparks and, sometimes, a whistling effect.

(f) Ground spinner. Small device similar to a wheel in design and effect and placed on the ground and ignited. A shower of sparks and color is produced by the rapidly spinning device.

(g) Flitter sparkler. Narrow paper tube filled with pyrotechnic composition that produces color and sparks upon ignition. This device does not have a fuse for ignition. The paper at one end of the tube is ignited to make the device function.

(2) Aerial devices.

(a) Helicopter, aerial spinner. A tube not more than 1/2 inch (12.5 mm) inside diameter and containing up to 20 grams of pyrotechnic composition. A propeller or blade is attached, which, upon ignition, lifts the rapidly spinning device into the air. A visible or audible effect is produced at the height of flight.

(b) Roman candles. Heavy paper or cardboard tube not exceeding 3/8 inch (9.5 mm) inside diameter and containing up to 20 grams of pyrotechnic composition. Upon ignition, up to ten "stars" (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several-second intervals.

(c) Mine, shell. Heavy cardboard or paper tube up to 2 1/2 inches (63.5 mm) inside diameter attached to a wood or plastic base and containing up to 40 grams of pyrotechnic composition. Upon ignition, "stars," firecrackers, or other devices are propelled into the air. The tube remains on the ground.

(d) Aerial shell. A 1 3/4" or smaller cylindrical or spherical cartridge containing up to 40 grams of chemical composition.

(e) Mortar. A 1 3/4" or smaller cardboard tube in which aerial shells are discharged into the air.

(3) Combination items. Fireworks devices containing combinations of two or more of the effects described in this section.

(4) Smoke device. Tube or sphere containing pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

(5) Division 1.4G explosives classified on January 1, 1984 as consumer fireworks by the United States Department of Transportation except that the term shall not include firecrackers, salutes, chasers, skyrockets or missile-type rockets.

Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-198, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-198, filed 11/9/84.]

WAC 212-17-203

Retailers of fireworks — List to be posted.

Retailers shall post prominently at each retail outlet a list of the fireworks that may be sold to the public. The posted list shall be in a form approved by the director of fire protection. The director of fire protection shall make available the list.

[Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-203, filed 3/31/88. Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-203, filed 11/9/84.]

WAC 212-17-21503
Retailers of fireworks — Definitions.

(1) "Consumer fireworks" means those fireworks defined as consumer fireworks in RCW 70.77.136.

(2) "Following year" means the year immediately following the year in which a license or permit is issued.

(3) "License" means a license as defined in RCW 70.77.170.

(4) "Magazine" means a structure as defined in Section 3302.1 of the International Fire Code.

(5) "Membrane material" means a thin, flexible, impervious material capable of being supported by an air pressure of 1.5 nches of water column (373 Pa).

(6) "Permanent retail or wholesale structure" means an enclosure or shelter erected for a period of thirty days or more used or the sales, at retail or wholesale, of legal fireworks of any kind.

(7) "Permanent storage structure" means a building or other structure used to store any fireworks not authorized within the scope of a retail fireworks stand permit.

(8) "Permit" means a permit as defined in RCW 70.77.180.

(9) "Private way" means any privately owned driveway, lane, access way or similar parcel of land essentially unobstructed rom the ground to the sky which serves as access from private property to a public road.

(10) "Public road" means any street or alley essentially unobstructed from the ground to the sky which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

(11) "Recognized testing laboratory" means a nationally recognized testing laboratory approved by the state fire marshal.

(12) "Temperature overheat protection" means a device which immediately interrupts the power to the heating element of a portable heating unit when the portable heating unit exceeds its designed operating temperature.

(13) "Temporary power drop" means an electrical service connection to a temporary retail fireworks stand.

(14) "Retail fireworks stand" means a structure used for the retail sales of consumer fireworks.

(15) "Temporary storage structure" means a building or other structure used for storage of consumer fireworks directly elated to a retail fireworks stand and authorized within the scope of a retail fireworks stand permit.

(16) "Temporary structure" means an enclosure or shelter erected for a period of less than thirty days and not otherwise lefined in the International Fire Code as a tent or canopy.

(17) "Tip-over protection" means a device which immediately interrupts the power to the heating element of a portable eating unit when the portable heating unit is tipped or tilted more than forty-five degrees from its designed operating position.

(18) "International Building Code" means the edition currently adopted by the state of Washington.

(19) "International Fire Code" means the edition currently adopted by the state of Washington.

Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-21503, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 0.77.250 and chapters 70.77 and 43.43 RCW. 98-04-007, § 212-17-21503, filed 1/23/98, effective 2/23/98.]

WAC 212-17-21505
Retailers of fireworks — General provisions.

(1) The state of Washington hereby fully occupies the entire field of regulation relating to the construction and use of temporary and permanent structures for the retail sale and storage of fireworks including: The location of and areas surrounding, the operation of and the cleanup after the use of said structures, pursuant to RCW 70.77.270.

(2) The state of Washington hereby preempts the authority of local jurisdictions with respect to the retail sale and associated storage of consumer fireworks from temporary structures. This rule constitutes the entire and exclusive authority for regulation of all such matters. Subject to the limitations imposed by chapter 70.77 RCW, a city or county may ban fireworks; or a city or county may restrict the dates of sale, purchase, possession and use of fireworks; or a city or county may restrict the types of fireworks that may be sold and purchased within its boundaries. If a city or county allows the sale of fireworks classified as consumer fireworks from temporary structures these rules preempt that city's or that county's authority to enact or enforce any other regulations.

(3) Except as prescribed by this rule, the use of permanent structures or temporary structures over four hundred square feet for fireworks sales and storage shall be subject to the provisions of the International Fire Code and the International Building Code, and local ordinances.

(4) The use of temporary structures for the temporary sale or storage of consumer fireworks are exempt from the International Building Code, International Fire Code and local ordinances except that where a city or county ordinance regulates the sale or use of fireworks as a part of that city's or that county's building code or fire code, those provisions of that county's or that city's building code or fire code which are not in conflict with this rule are not hereby preempted or affected.

(5) Each license and permit shall be issued and shall remain valid and effective for the thirteen-month period beginning on January 1 of the year in which application is made and ending January 31 of the following year.

(6) Only Division 1.4G consumer fireworks, obtained from state-licensed wholesalers, not otherwise prohibited by chapter 70.77 RCW or local ordinance, and holiday related products incidental but related to these products, may be sold in retail fireworks stands.

(7) Except as limited by local ordinance, fireworks may be sold from 12:00 noon to 11:00 p.m. on June 28 through 9:00 p.m. on July 5. Fireworks may not be sold between the hours of 11:00 p.m. and 9:00 a.m. from June 28 through July 3. Fireworks may not be sold from 12:00 midnight on July 4 through 9:00 a.m. on July 5.

(8) Except as limited by local ordinance, fireworks may be sold from 12:00 noon to 11:00 p.m. on each day from the 27th of December through the 31st of December of each year.

(9) Licensees shall familiarize all persons working in a retail fireworks stand with the provisions of these rules.

(10) Failure to comply at any time with the provisions of this rule or any other applicable regulation shall constitute a violation of chapter 70.77 RCW and may result in the temporary suspension or immediate revocation of the license or permit, closure of the fireworks sales or storage structure, the seizure and/or forfeiture of some or all of the fireworks, and other criminal penalties as specified by law.

(11) The local authority having jurisdiction, with the concurrence of the state fire marshal, is authorized to modify any of the provisions of WAC 212-17-21509, 212-17-21511, 212-17-21513, 212-17-21515, and 212-17-21517 upon written application by the licensee or a duly authorized representative, where there are practical difficulties in the way of carrying out the provisions of these sections, provided that the spirit of the rule shall be complied with, public safety secured and substantial justice done. The particulars of such modification shall be registered with the state fire marshal.

Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-21505, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW. 98-04-007, § 212-17-21505, filed 1/23/98, effective 2/23/98.]

WAC 212-17-21507

Retailers of fireworks — Transportation.

When transporting fireworks, licensees shall comply with all federal, state and local transportation requirements, provided that, upon request of the licensee, the local authority having jurisdiction may waive or modify the local transportation requirements. Nothing in these rules shall restrict the right of any person to transport, in a private vehicle, fireworks which have been legally purchased from a retail fireworks licensee.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-21507, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW. 98-04-007, § 212-17-21507, filed 1/23/98, effective 2/23/98.]

WAC 212-17-21509
Retailers of fireworks — Location.

(1) Activities or uses subject to this rule shall not be limited in location except where such activities or uses are prohibited or controlled by local development regulation, traffic safety or road construction standards.

(2) Temporary retail fireworks stands shall not be located more than one hundred fifty feet from a private way, fire department access road, public road, street or highway as measured by an approved route around the exterior of the stand. The minimum requirements for a private way shall be determined by the local authority having jurisdiction, but shall not exceed the requirements of locally adopted street, road and access standards.

(3) Any two retail fireworks stands shall be at least one hundred feet apart or shall be separated by a road, street or highway not less than thirty feet in width.

(4) Retail fireworks stands shall be located as required by Table 212-17-21509 in this section. The minimum required area surrounding the stand shall be marked or flagged, except that flagging and marking shall not block a sidewalk or pedestrian pathway. Flagging need not exceed twenty feet in any direction.

Retail Fireworks Stands - Minimum Clearances

	Buildings	Combustibles	Property Line	Parking	Motor Vehicle Traffic PUBLIC ROAD*	Motor Vehicle Traffic PRIVATE WAY
BACK OF STAND	20 FT.	20 FT.	5 FT.	20 FT.	20 FT.	5 FT.
SIDE OF STAND	20 FT.	20 FT.	5 FT.	20 FT.	20 FT.	5 FT.
FRONT OF STAND	40 FT.	40 FT.	20 FT.	20 FT.	20 FT.	20 FT.
	20 FT.**	20 FT.**				

NOTE: Clearance distances are not cumulative

* Measured from the outer edge of the nearest traffic lane.

** If stand is equipped with 135 fusible links which will automatically close all sales doors in case of fire, or is equipped with a wire-mesh screen with openings of not more than one inch which covers not less than 90% of all sales openings.

(5) Retail fireworks stands shall not be located closer than one hundred feet from any motor vehicle dispensing station, retail propane dispensing station, flammable liquid storage, or combustible liquid storage. Retail fireworks stands shall not be located closer than three hundred feet from any bulk storage of flammable or combustible liquid or gas, including bulk plant dispensing areas.

EXCEPTION: 1. Fuel for generators as allowed by WAC 212-17-21513(4).
2. Fuel within the tanks of motor vehicles.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-21509, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW. 98-04-007, § 212-17-21509, filed 1/23/98, effective 2/23/98.]

WAC 212-17-21511

Retailers of fireworks — Area around the retail fireworks stand.

(1) The minimum areas around the retail fireworks stand specified in WAC 212-17-21509 shall be kept free of accumulation of dry grass, dry brush and combustible debris. No parking shall be permitted within this minimum area.

(2) No motor vehicle or trailer may be parked within twenty feet of a retail fireworks stand except when delivering, loading or unloading fireworks.

(3) Fireworks shall not be discharged within one hundred feet of a retail fireworks stand. Signs reading "NO FIREWORKS DISCHARGE WITHIN 100 FEET" in letters at least two inches high, with a principal stroke of not less than one-half inch, on contrasting background, shall be conspicuously posted on all four sides of the stand.

(4) No smoking shall be allowed within the retail fireworks stand or within the minimum flagged off area. Signs reading "NO SMOKING WITHIN 20 FEET" in letters at least two inches high, with principal stroke of not less than one-half inch, on a contrasting background, shall be conspicuously posted on all four sides of the stand.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-21511, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW. 98-04-007, § 212-17-21511, filed 1/23/98, effective 2/23/98.]

WAC 212-17-21513

Retailers of fireworks — Stand use and construction.

(1) Fireworks may be sold from:

(a) A permanent structure which meets provisions of WAC 212-17-21505(3).

(b) Temporary, stable structures made from wood, metal, fiberglass or other material. Any temporary fireworks retail stand greater than four hundred square feet shall meet the requirements of a permanent structure, except tents or canopies as defined in the International Fire Code.

(c) Tents, canopies, or structures utilizing temporary membrane material. All tents, canopies or temporary membrane materials structures shall be made from fire retardant material or treated with a fire retardant as identified in the International Fire Code. Any tent, canopy or temporary membrane material structure falling within the scope of the International Fire Code shall comply with those requirements. When those requirements are in conflict with other provisions of these rules, the more restrictive provisions shall apply.

(2) Battery powered equipment, electrical equipment and electrical cords which are used in conjunction with a retail fireworks stand or a temporary storage structure or location must be listed by a recognized laboratory and used in accordance with that listing. If electrical power is supplied by an extension cord, the size of the cord, the length of the cord and the amperage and the voltage supplied shall be in compliance with the requirements of the National Electrical Code, current edition. The cord shall be protected as necessary from "drive-over" and other physical damage. No additional permits from a city or county or state official having jurisdiction shall be required for these temporary uses except as specified in subsection (5) of this section.

(3) All heating units shall be listed by a recognized testing laboratory and shall be used in accordance with the listing. Heating sources shall have "tip-over" and temperature overheat protection. All heating devices shall have sealed type elements (i.e., oil filled or water filled radiator type). Open flame heating devices are prohibited.

(4) Generators which use combustible fuel and which are at least twenty feet from the retail fireworks stand or the temporary fireworks storage structure shall be allowed. Generator fuel shall be limited to not more than five gallons and stored at least twenty feet from all stands.

(5) Compliance with the National Electrical Code, current edition, shall be required for all new, permanent electrical installations, including temporary power drops, subject to possible permit fees.

(6) Retail sales of fireworks and other products which are holiday related shall be from buildings used for no other purpose.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-21513, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW. 98-04-007, § 212-17-21513, filed 1/23/98, effective 2/23/98.]

WAC 212-17-21515

Retailers of fireworks — Operation of retail fireworks stands.

(1) A clear aisle or walkway not less than twenty-four inches wide shall be maintained inside the full length of the structure. Customers shall only be permitted inside a temporary retail fireworks stand that is greater than four hundred square feet and which meets minimum exit requirements of the International Building Code and International Fire Code, as now or amended hereafter.

(2) Each temporary retail fireworks stand must have at least two exits, at least twenty-eight inches in width, located at opposite ends of the structure. Exits must remain unlocked and unobstructed during the hours of operation or when the stand is occupied.

(3) Sleeping inside a retail fireworks stand or an associated temporary fireworks storage facility is prohibited.

(4) The location of the nearest permanently mounted telephone must be posted inside the retail fireworks stand and persons working in the stand shall be informed of that location.

(5) The local emergency telephone number shall be conspicuously posted inside the retail fireworks stand.

(6) Each retail fireworks stand shall be equipped with two approved, pressurized two and one-half gallon water-type fire extinguishers.

(7) No open flames nor any type of open flame equipment shall be allowed in any retail fireworks stand.

(8) Retail fireworks stands shall be secured when unoccupied and not open for business if fireworks are kept in the structure during these times. Retail fireworks stands shall never be locked when occupied. The fireworks may be removed and transferred to a temporary storage structure or location approved as a part of the license and permit.

(9) At least one adult person, eighteen years of age or older shall be present at all times in every retail fireworks stand during the hours of sale to the public and shall be responsible for supervision of the retail fireworks stand and its operation. No person, other than customers, under the age of sixteen shall be allowed within a retail fireworks stand when it is open to the public. Fireworks, except for prepackaged assortments, boxes, or similarly packaged containers of more than one item, whether of the same or different kind, must be displayed in a manner which prevents the fireworks from being handled by the public or a customer without the direct intervention of the licensee or his or her representative who shall maintain visual contact.

(10) Retail fireworks stands may be required to be inspected by the state fire marshal and/or the local jurisdiction issuing the permit prior to opening for business and other inspections may occur on other days as warranted but there shall be no additional charge for all such inspections.

(11) In order to obtain return of a clean-up bond if required by the local authority having jurisdiction as a condition of permit, the cleanup of debris associated with the retail fireworks activity and the removal of all structures authorized by the license and permit shall occur on or before the last day of the storage period specified in these rules.

(12) Fireworks retailers shall not knowingly sell fireworks to persons under the age of sixteen.

(a) A sign reading "no sale of fireworks to persons under the age of sixteen years. PHOTO ID REQUIRED" in letters at least two inches high, with a principal stroke of not less than one-half inch, on contrasting background, shall be conspicuously posted on the front of each retail fireworks stand.

(b) Sellers shall require proof of age by means of display of a driver's license or photo identification card showing date of birth issued by a public or private school, state, federal or foreign government. No other forms of identification shall be accepted.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-21515, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW. 98-04-007, § 212-17-21515, filed 1/23/98, effective 2/23/98.]

WAC 212-17-21517

Retailers of fireworks — Temporary fireworks storage associated with the retail fireworks stand operation.

(1) Temporary fireworks storage is not permanent fireworks storage. Temporary fireworks storage is defined as storage associated with retail fireworks sales and may only be from June 13 through July 31 and from December 12 through January 10 of the following year. Permanent fireworks storage is associated with retail or wholesale fireworks activities when the period of time of storage is other than, or longer than that specified for temporary storage. Temporary fireworks storage shall be in accordance with this section. Permanent fireworks storage is subject to the International Fire Code and the International Building Code and local ordinances.

(2) Delivery of fireworks to a location, or storage of fireworks in a facility, not authorized by the license and permit is prohibited. If the approved storage location is outside the jurisdiction issuing the permit, the authority issuing the permit shall notify the appropriate authorities of the jurisdiction in which the storage is to be located.

(3) A temporary fireworks storage facility or a temporary fireworks storage location shall be authorized as a part of a license and permit if it meets the requirements specified herein.

(4) No open flames nor any type of open flame equipment shall be allowed in any temporary fireworks storage structure.

(5) Storage of fireworks authorized by a retail license and permit is legal only during the periods specified in this section.

(6) Fireworks may be stored:

(a) In a locked or secured retail fireworks stand; or

(b) In a locked or secured truck, container, trailer, other vehicle or anything similar which is not less than twenty feet from the retail fireworks stand during hours of retail sales; or

(c) In a locked or secured truck, container, trailer, other vehicle or anything similar which is not less than twenty feet from an inhabited building where the term "inhabited building" is defined as in the International Fire Code; or

(d) In a magazine which meets the minimum standards of Type 4 as prescribed by the International Fire Code, and which is not less than ten feet from an inhabited building where the term "inhabited building" is defined as in the International Fire Code; or

(e) In a locked or secured metal or wooden garage, shed, barn or other accessory building, or anything similar which is not less than:

20 feet from an inhabited building for storage of fireworks for one or two retail stands; or

30 feet from an inhabited building for storage of fireworks for three or more stands.

The term "inhabited building" is defined as in the International Fire Code.

(7) The local authority having jurisdiction may reduce the minimum separation requirements of this section provided that safety of life and property is not diminished.

(8) No cooking is permitted in a retail fireworks stand or in a temporary fireworks storage structure.

(9) Temporary fireworks storage structures may be inspected prior to use and other inspections may occur on other days as warranted. There shall be no additional charge for all such inspections.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-21517, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW. 98-04-007, § 212-17-21517, filed 1/23/98, effective 2/23/98.]

WAC 212-17-21519

Retailers of fireworks — Cleanup.

(1) At the end of the legal selling period, all fireworks must remain in the retail fireworks stand, temporary storage location authorized by the retail permit or another location approved by the local authority having jurisdiction or his or her designee until returned to the suppliers from which they were obtained, or until transferred to an approved location.

(2) Cities and counties may require a clean-up bond, not to exceed five hundred dollars, as a condition of the permit, to ensure the removal of all structures and debris from the site.

(3) In order to obtain return of a clean-up bond, cleanup of debris associated with the retail fireworks activity and the removal of all temporary structures authorized by the license and permit shall be completed no later than 11:59 p.m., July 15 for the Fourth of July selling period or no later than 11:59 p.m., January 10 for the New Year's selling season.

(4) Failure of the licensee to comply with subsection (3) of this section shall constitute forfeiture of the clean-up bond and the licensee shall be liable for any clean-up costs incurred by the city or county which exceed the amount of the bond.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-21519, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapters 70.77 and 43.43 RCW. 98-04-007, § 212-17-21519, filed 1/23/98, effective 2/23/98.]

WAC 212-17-220
Pyrotechnic operators — General.

Pyrotechnic operators are licensed to conduct public displays of fireworks and articles pyrotechnic. No public display license is issued unless at least one licensed pyrotechnic operator is listed on the application as being responsible for conducting the display.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-220, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-220, filed 11/2/82.]

WAC 212-17-225

Pyrotechnic operators — Application for license.

Application for license shall be made on forms prepared by the director of fire protection and shall be accompanied by the annual license fee. Every applicant for a pyrotechnic operators license shall take and pass a written examination administered by the director of fire protection and shall submit evidence attesting to the qualifications and experience of the applicant, including participation in the firing of at least six public displays as an assistant, at least one of which shall have been in the current or preceding year.

[Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-225, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-225, filed 11/2/82.]

WAC 212-17-230

Pyrotechnic operators — Examination, investigation and licensing.

Upon receipt of application and license fee, the director of fire protection shall cause an investigation to be made as to the experience and competency of the applicant to conduct and supervise a public display of fireworks in a safe manner. Past experience in assisting in public displays shall be verified with the licensed pyrotechnic operator under whose supervision the applicant assisted. If experience requirements are satisfactory, the director of fire protection shall schedule a written examination for the applicant. A passing score of at least eighty percent shall be attained on the written examination. An applicant failing the written examination may reapply within thirty days to retake the examination. No reexamination shall be taken within thirty days of the previous and no more than two examinations may be taken by the applicant in the same calendar year. Any applicant failing to appear for the written examination at the time and location established or who fails the written examination and fails to reapply within thirty days, or fails the examination on the second attempt, is deemed to have forfeited the license fee. All applicants shall submit to a background check through the Washington state patrol criminal records division. Costs for the background check shall be the responsibility of the applicant. The director of fire protection shall grant or deny the license on the basis of the successful completion of the investigation and examination.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-230, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-230, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-230, filed 11/2/82.]

WAC 212-17-235

Pyrotechnic operators — Responsibility.

The pyrotechnic operator shall be responsible for properly setting up the fireworks public display in accordance with the rules and regulations of the director of fire protection. He/she shall determine that all the mortars, set pieces, are properly installed and that the proper safety precautions have been taken to insure the safety of persons and property. He/she shall have charge of all activities directly related to handling, preparing and firing all fireworks at the public display, including fixing lifting charges and quick match as needed to aerial shells.

The pyrotechnic operator shall refuse to fire any fireworks that are deemed by him/her to be unsafe or where its discharge might jeopardize life or property.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-235, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-235, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-235, filed 11/2/82.]

WAC 212-17-240

Pyrotechnic operators — Observance of laws, rules and regulations.

Pyrotechnic operators shall strictly observe the provisions of the state fireworks law and these rules.

[Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-240, filed 11/2/82.]

WAC 212-17-245

Public displays of fireworks — General.

Persons desiring to hold a public display of fireworks shall secure a license from the director of fire protection and a permit from the governmental agency having jurisdiction. Application for local permit must be made at least ten days in advance.

[Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-245, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-245, filed 11/2/82.]

WAC 212-17-250

Public displays of fireworks — Application, state license.

Application for fireworks public display license shall be made on forms provided by the director of fire protection and shall be accompanied by the prescribed license fee.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-250, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-250, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-250, filed 11/2/82.]

WAC 212-17-255

Public displays of fireworks — Type of license.

A public display license authorizes the applicant to conduct a public display of fireworks at a given location only. A "general" license for public display of fireworks authorizes public displays of fireworks at any locations or dates within the current year.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-255, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-255, filed 11/2/82.]

WAC 212-17-260
Public displays of fireworks — General licenses.

Application for a "general" license to hold public displays of fireworks shall be accompanied by a surety bond or a certificate evidencing public liability insurance. Such bond and public liability insurance shall be noncancellable except upon fifteen days' written notice by the insurer to the director of fire protection.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-260, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-260, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-260, filed 11/2/82.]

WAC 212-17-270

Public displays of fireworks — Local permit, application for.

When applying for permit, applicant shall submit information and evidence to local fire authorities covering the following:

(1) The name of the organization sponsoring the display, if other than the applicant.

(2) The date the display is to be held.

(3) The exact location for the display.

(4) The name and license number of the pyrotechnic operator who is to supervise discharge of the fireworks and the name of at least one experienced assistant.

(5) The number of set pieces, shells (specify single or multiple break), and other items.

(6) The manner and place of storage of such fireworks prior to the display.

(7) A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways, and other lines of communication, the lines behind which the audience will be restrained, the location of all nearby trees, telegraph or telephone lines, or other overhead obstruction.

(8) Documentary proof of procurement of:

Surety bond;

Public liability insurance; or

A director of fire protection's "general license" for the public display of fireworks.

(9) Permittee shall be responsible for compliance with the provisions under which a public display permit has been granted.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-270, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-270, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-270, filed 11/2/82.]

WAC 212-17-275
Public displays of fireworks — Investigation.

The officer to whom the application for permit is made shall make, or cause to be made, investigation of site of the proposed display for the purpose of determining if the fireworks will be of such a character or so located as to be hazardous to property or dangerous to any person. He shall also determine whether the provisions of the state fireworks law and these rules and regulations are complied with in the case of a particular display. He shall, in the exercise of reasonable discretion, grant or deny the application subject to reasonable conditions, if any, as he may prescribe, taking into account locations, parking of vehicles, controlling spectators, storage and firing fireworks, and precautions in general against danger to life and property from fire, explosion, and panic.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-275, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-275, filed 11/2/82.]

WAC 212-17-280

Public displays of fireworks — Permits may not be granted, when.

No permit shall be granted for any public display of fireworks where the discharge, failure to fire, faulty firing, or fallout of any fireworks or other objects would endanger persons, buildings, structures, forests, brush, or other grass covered land.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-280, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-280, filed 11/2/82.]

WAC 212-17-285
Public displays of fireworks — Spectators.

Spectators at public displays of fireworks shall be restrained behind lines or barriers as designated by local authorities. Only authorized persons and those in actual charge of the display shall be allowed inside these lines or barriers during the unloading, preparation, or firing of fireworks.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-285, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-285, filed 11/2/82.]

WAC 212-17-290

Public displays of fireworks — Pyrotechnic operators.

No public display permit shall be granted unless at least two experienced pyrotechnic operators are provided, one of whom shall be a licensed pyrotechnic operator. The licensed operator shall:

(1) Be responsible for and have charge of the display with respect to preparation for transporting, unloading, storing, preparing special effects, set and mechanical pieces, setting mortars and rocket launchers, loading, arming and firing and disposing of all unfired or defective (dud) rockets, missiles and fireworks articles or items;

(2) Be responsible for setting all fireworks including mortars, finale batteries (hedgehogs) and rocket launchers at locations designated by the authority having jurisdiction and take into account wind direction and velocity predicted for the firing time in setting the firing angles. Shells, rockets and/or missiles shall not be permitted to cross or burst above areas occupied by persons;

(3) Be held responsible for acts of his assistants in connection with the display, from delivery to final firing who, through smoking, drinking, carelessness or negligence or any other act, endangers the safety of himself, any other person, or any property.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-290, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-290, filed 11/2/82.]

WAC 212-17-295
Public display — General.

The intent of this chapter shall be to provide requirements for clearances upon which the authority having jurisdiction shall base its approval of an outdoor fireworks display site. Where added safety precautions have been taken, or particularly favorable conditions exist, the authority having jurisdiction shall be permitted to decrease the required separation distances as it deems appropriate, upon demonstration that the hazard has been reduced or the risk has been properly protected. Where unusual or safety-threatening conditions exist, the authority having jurisdiction shall be permitted to increase the required separation distances as it deems necessary.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 06-12-010, § 212-17-295, filed 5/26/06, effective 6/26/06; 05-12-033, § 212-17-295, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-295, filed 11/2/82.]

WAC 212-17-300

Public display — Definitions.

For the purpose of this section, the following terms shall have the meanings shown:

(1) Assistant. A person who works under the direction of the pyrotechnic operator in charge to put on an outdoor fireworks display. The duties of an assistant include such tasks as: Loading mortars, spotting the bursting location of aerial shells, tending a ready box, setting up and cleaning the discharge site, igniting fireworks, etc.

(2) Barrage. A rapidly fired sequence of aerial fireworks. Mortars are loaded prior to the display and the aerial shells are chain fused to fire in rapid sequence.

(3) Black match. A fuse made from thread impregnated with black powder and used for igniting pyrotechnic devices.

(4) Boxed finale. A number of mortars grouped closely together and contained by a suitable frame. The mortars are loaded prior to the display and fused for rapid sequence firing.

(5) Break. An individual effect from an aerial shell; generally either color (stars) or noise (salute). Aerial shells can be single-break (having only one effect) or multiple-break (having two or more effects).

(6) Chain fusing. A series of two or more aerial shells fused so as to fire in sequence from a single ignition. Finales and barrages are typically chain fused.

(7) Colored pot. A paper tube containing pyrotechnic composition that produces a colored flame on ignition. Colored pots are used in the construction of ground display pieces.

(8) Discharge site. The area immediately surrounding the mortars used to fire the aerial shells.

(9) Electric match. A device consisting of wires terminating at a high resistance element surrounded with a small quantity of heat sensitive pyrotechnic composition. When a sufficient electric current is passed through the wire circuit, the heat that is generated ignites the pyrotechnic composition, producing a small burst of flame. This flame can be used to ignite a fuse or a lift charge in a fireworks device.

(10) Electrical firing unit. The source of electrical current used to ignite electric matches. Generally the firing unit will have switches to control the routing of the current to various firework items and shall have test circuits and warning indicators, etc.

(11) Electrical ignition. A technique used to discharge fireworks in which an electric match and source of electric current are used to ignite fuses or lift charges. The electric matches are attached prior to the display, generally with wires connected to an electrical firing unit during the display.

(12) Fallout area. The area over which aerial shells are fired. The shells burst over this area, and unsafe debris and malfunctioning aerial shells fall into this area.

(13) Finale. A rapidly fired sequence (barrage) of aerial fireworks, typically fired at the end of a display. The mortars are loaded prior to the display and the aerial shells are chain fused to fire in rapid sequence.

(14) Finale rack. A row of closely spaced two-inch (51 mm) or three-inch (76 mm) inside diameter, mortars held in a wooden frame. It is similar to a boxed finale.

(15) Fireworks display. An outdoor display of special fireworks performed as entertainment.

(16) Flash powder. Explosive composition intended for use in firecrackers and salutes. Flash powder produces an audible report and a flash of light when ignited. Typical flash powder composition contains potassium chlorate or potassium perchlorate, sulfur or antimony sulfide, and powdered aluminum.

(17) Fusee. A highway distress flare, sometimes used to ignite fireworks at outdoor fireworks displays.

(18) Ground display piece. A pyrotechnic device that functions on the ground (as opposed to an aerial shell which functions in the air). Typical ground display pieces include fountains, roman candles, wheels, "set pieces."

(19) Lance. A thin cardboard tube packed with color-producing pyrotechnic composition used to construct ground display

pieces. Lances are mounted on a wooden frame and fused so that ignition of all tubes is simultaneous.

(20) Lift charge. That part of an aerial shell which actually lifts the shell into the air. It usually consists of a black powder charge ignited by a quick match fuse. A delay fuse then ignites the main part of the shell, producing the desired effect.

(21) Manual ignition. A technique used to ignite fireworks using a handheld ignition source such as a fusee or port fire.

(22) Monitor. A person designated by the licensee of the display to keep the audience in the intended viewing area and out of the discharge site and fallout area.

(23) Mortar. A metal or heavy cardboard tube from which aerial shells are fired.

(24) Mortar rack. A strong wooden or metal frame containing closely spaced mortars. Such racks are most often used for barrages and finales, and in electrically ignited displays.

(25) Mortar trough. Above ground structures filled with sand or similar material into which mortars are positioned ready for use in a fireworks display.

(26) Movable ground piece. A ground display piece having movable parts, such as a revolving wheel.

(27) No-fire current. The maximum current that can be applied to an electric match for five seconds at room temperature without the match igniting.

(28) Operator. The licensed pyrotechnician (pyrotechnic operator) responsible for setting up and firing a public fireworks display.

(29) Potential landing area. The area over which shells are fired. The shells will normally burst over this area, but debris and malfunctions will fall into this area; therefore, it must be kept clear of spectators.

(30) Quick match. Black match that is encased in a loose-fitting paper sheath. While exposed black match burns slowly, quick match propagates flame extremely rapidly, almost instantaneously. Quick match is used in fuses for aerial shells and for simultaneous ignition of a number of pyrotechnic devices, such as lances in a ground display piece.

(31) Safety cap. A paper tube, closed at one end, that is placed over the end of the fuse of an aerial shell to protect it from accidental ignition. The cap is not removed until just before firing of the shell.

(32) Salute. A special firework that is designed to produce a loud report.

(33) Salute powder. A pyrotechnic composition which makes a loud report when ignited and constitutes the sole pyrotechnic mixture in a salute.

(34) Shell (aerial). A cylindrical or spherical cartridge containing pyrotechnic composition, a long fuse, and a black powder lift charge. The shells are most commonly three-inch (76 mm) to six inch (152 mm) outside diameter and are fired from mortars. Upon firing, the fuse and lift charge are consumed.

(35) Stars. Small masses of pyrotechnic compounds that are projected from aerial shells, mines, or roman candles.

(36) Theatrical flash powder. A pyrotechnic composition intended for use in theatrical shows. Theatrical flash powder produces a flash of light when ignited. Typical theatrical flash powder burns more slowly than salute powder and may also produce a shower of sparks. Theatrical flash powder is not intended to produce a loud report.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-300, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. 90-10-006 (Order 90-02), § 212-17-300, filed 4/19/90, effective 5/20/90. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-300, filed 11/2/82.]

WAC 212-17-305

Public display — Construction of shells.

(1) Shells shall be classified and described only in terms of the inside diameter of the mortar in which they can be safely used (e.g., 3-inch shells are only for use in 3-inch mortars).

(2) Shells shall be constructed so that the difference between the inside diameter of the mortar and the outside diameter of the shell is no less than 1/8 inch (3.2 mm) and no more than 1/4 inch (6.4 mm) for two-inch (51 mm) and three-inch (76 mm) shells or 1/2 inch (12.7 mm) for shells larger than three-inch (76 mm).

(3) Shells shall be labeled with the type of shell, the diameter measurement, and the name of the manufacturer or distributor. Shells shall also carry a warning label complying with 16 CFR 1500.121, 1981.

(4) The label or wrapper of any type of aerial salute shall be conspicuously marked with the word "salute."

(5) Single-break salute shells shall not exceed three inches in diameter or three inches in length (exclusive of the propellant charge). The maximum quantity of salute powder in such salutes shall not exceed 2.5 ounces (71 g).

(6) For single-break shells containing multiple internal salutes and for multibreak shells, the maximum quantity of salute powder per internal unit shall not exceed 2.5 ounces (71 g) with no more than 5 ounces (142 g) total salute powder in any one shell.

(7) The length of the internal delay fuse and the amount of lift charge shall be sized to insure proper functioning of the shells in their mortars. Quick match fuse shall be long enough to allow not less than 6 inches (152 mm) of fuse to protrude from the mortar after the shell has been properly inserted.

Exception: For electrically ignited displays, the requirement shall be that the length of wire on the electric match shall be long enough that not less than 6 inches (152 mm) protrude from the mortar when the shell has been properly inserted.

(8) The length of exposed black match on a shell shall not be less than 3 inches (76 mm) and the fuse shall not be folded or doubled back under the safety cap.

In order to allow the person igniting the aerial shells to safely retreat, the time delay between igniting the tip of the shell's fuse and the firing of the shell shall not be less than three seconds or more than six seconds.

Exception: For electrically ignited displays, there is no requirement for a delay period.

(9) A safety cap shall be installed over the exposed end of the fuse. The safety cap shall be of a different color than that used for the paper of the fuse.

Exception: For electrically ignited displays, there is no requirement for safety caps except that there shall be no exposed pyrotechnic composition.

[Statutory Authority: Chapter 70.77 RCW. 90-10-006 (Order 90-02), § 212-17-305, filed 4/19/90, effective 5/20/90. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-305, filed 11/2/82.]

Public display — Storage of shells.

A ready box shall be a portable, weather-resistant container that protects contents from burning debris with a self-closing cover or equivalent means of closure required.

(1) After delivery and prior to the display, all shells shall be separated according to size and their designation as salutes.

(2) Any display fireworks that will be temporarily stored at the display site during the fireworks display shall be stored in ready boxes separated according to size and their designation as salutes. Tarpaulins shall not be considered as ready boxes.

Exception: For electrically ignited displays, or displays where all shells are loaded into mortars prior to the show, there is no requirement for separation of shells according to size, for their designation as salutes, or for the use of ready boxes.

(3) During the performance of an outdoor fireworks display, ready boxes shall be located at a distance not less than twenty-five feet upwind from the mortar placements. If the wind shifts during a display, the ready boxes shall be located again to be upwind from the discharge site.

Exception No. 1: Where permitted by the authority having jurisdiction, alternate measures shall be taken.

Exception No. 2: Where there are no shells requiring storage during a display, such as for an electrically ignited display, no ready boxes shall be required.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 06-12-010, § 212-17-310, filed 5/26/06, effective 6/26/06; 05-12-033, § 212-17-310, filed 6/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. 90-10-006 (Order 90-02), § 212-17-310, filed 4/19/90, effective 5/20/90. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-310, filed 11/2/82.]

VAC 212-17-315

Public display — Installation of mortars.

(1) Prior to placement, mortars shall be inspected carefully for defects, such as dents, bent ends, damaged interiors, and damaged plugs. Defective mortars shall not be used.

(2) Mortars shall be positioned and spaced so that shells are propelled away from spectators, over the fallout area, and to afford maximum protection to the shooter and loader. Under no circumstances shall mortars be angled toward the spectator viewing area.

(3) Where mortars are to be reloaded during a display, mortars of various sizes shall not be intermixed. Mortars of the same size shall be placed in groups, and the groups shall be separated from one another.

(4) Mortars of any type six inches in diameter or less shall be permitted to be reloaded and fired up to seven times during a performance.

Exception: There shall be no limit to the number of times a steel mortar six inches or less is permitted to be reloaded.

(5) Mortars shall be positioned to afford protection to the spectators and display personnel.

(6) Mortars shall be inspected before the first shells are loaded to ensure that no water or debris has accumulated in the bottom of the mortar.

(7) Mortars shall be of sufficient strength and durability to fire the aerial shells and be used safely.

(8) Paper, HDPE, and fiberglass mortars are among the types of mortar that shall be permitted to be used.

(9) Cast iron, stove pipe, corrugated culvert, clay, bamboo, and wood shall not be used to make mortars.

(10) Metal mortars shall be either seamed or seamless; however, seamed mortars shall be placed so that all seams face either right or left when viewing the line of mortars.

(11) Steel mortars used to fire single break salute shells shall be buried according to WAC 212-17-321.

(12) Mortars shall be of sufficient length to cause aerial shells to be propelled to safe heights.

(13) The dimension of the inside diameter of the mortar shall be conspicuously painted or otherwise marked on the top of the mortar.

Exception: Designation of the inside diameter shall not be required for outdoor fireworks displays fired under the direct control of a professional fireworks display company.

Statutory Authority: Chapters 43.43 and 70.77 RCW. 06-12-010, § 212-17-315, filed 5/26/06, effective 6/26/06. Statutory Authority: Chapter 70.77 RCW. 90-10-006 (Order 90-02), § 212-17-315, filed 4/19/90, effective 5/20/90. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-315, filed 11/2/82.]

WAC 212-17-317
Public display — Electrical firing unit.

(1) At no point shall electrical contact be allowed to occur between any wiring associated with the electrical firing unit and any metal object in contact with the ground.

(2) If the electrical firing unit is powered from AC power lines, some form of line isolation shall be employed (e.g., a line isolation transformer).

(3) The electrical firing unit shall include a key operated switch or other similar device that greatly reduces the possibility that unauthorized or unintentional firings can occur.

Exception: When the electrical firing unit is very small in size, and is only in the immediate area and attached to the wire running to electric matches for the brief duration of the actual firing, there is no requirement for a key operated switch.

(4) Manually activated electrical firing units shall be designed such that at least two positive actions must be taken to apply electric current to an electric match. For example, this might be accomplished with two switches in series, both of which must be operated in order to pass current.

(5) Computer activated electrical firing units shall have some form of "dead-man-switch," such that all firings will cease the moment the switch is released.

(6) If the electrical firing unit has a built-in test circuit, the unit shall be designed to limit the test current (into a short circuit) to 0.05 ampere or to twenty percent of the no-fire current of the electric match, whichever is less. Multitesters such as Volt-Ohm Meters shall not be used for testing unless their maximum current delivering potential has been measured and found to meet these requirements.

(7) When any testing of firing circuits is performed, no person shall be allowed to be present in the immediate area of fireworks that have been attached to the electrical firing unit.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-317, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. 90-10-006 (Order 90-02), § 212-17-317, filed 4/19/90, effective 5/20/90.]

WAC 212-17-320

Public display — Site selection.

The intent of this section is to provide minimum clearances between the discharge site and permanent buildings and spectator viewing areas, and recommended guidelines for overall site dimensions and other separation distances. Where unusual conditions exist, dimensions and separations may vary in accordance with the joint agreement of the operator and the local fire official.

[Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-320, filed 11/2/82.]

WAC 212-17-321
Public display — Installation of buried mortars.

(1) Mortars shall be buried to a depth of at least two-thirds to three-quarters of their length, either in the ground or in aboveground troughs or drums.

(2) Where paper mortars are to be placed in damp ground or damp sand or are to be in the display, they shall be placed inside a water-resistant bag prior to placement in the ground.

(3) Wherever there is the likelihood of groundwater leaking into the mortar, the mortar shall be placed inside a water-resistant bag prior to placement in the ground.

(4) Weather-resistant coverings shall be placed over the mouth of mortars wherever there is imminent danger of water accumulating inside the mortar.

(5) Buried mortars shall be placed to prevent them from being driven into the ground or reangled when fired.

Exception: Where a mortar is to be used only once, such as for an electrically fired display, added support shall be optional and shall not be required.

(6) Mortars that are buried in the ground, in troughs, or in drums shall be separated from adjacent mortars by a distance at least equal to the diameter of the mortar.

Exception: Where electrical ignition of unchained aerial shells six inches and less in diameter is used, there is no requirement for separation of mortars.

(7) Mortars in troughs and drums shall be positioned to afford the maximum protection to the shooter.

(8) There shall be a separation distance of at least two inches or half the diameter of the mortar, whichever is greater, between the mortar and the trough or drum.

Exception: Where electrical ignition is used, all mortars placed in drums or troughs shall be spaced at least two inches from the wall of the drum or trough.

(9) If troughs and drums are used, they shall be filled with sand or soft dirt: In no case shall stones or other potentially dangerous debris be present.

(10) Troughs shall be reinforced or braced in a minimum of two places on the sides at intervals no greater than every four feet.

(11) Where possible, the narrow side of the trough shall face the greatest number of spectators and the firing progression shall develop in a direction away from the spectators.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 06-12-010, § 212-17-321, filed 5/26/06, effective 6/26/06.]

WAC 212-17-323

Installation of mortar racks.

(1) Single break shells not exceeding six inches in diameter shall be permitted to be fired from securely positioned mortar racks.

(2) Firing of single break shells that are seven or eight inches in diameter shall be permitted from securely positioned mortar racks provided the following conditions are met:

(a) The mortar is not metallic;

(b) Electrical or equivalent means of remote ignition is used to fire the shell; and

(c) The shell is not chain fused to any other shells.

(3) Mortar racks or bundles shall be constructed in a thorough and workmanlike manner to be capable of holding multiple mortars in position during normal functioning.

(4) Mortar racks or bundles that are not inherently stable shall be secured or braced to stabilize them. Stabilization shall be accomplished by using stakes, legs, A-frames, side-boards or equivalent means.

(5) Mortar racks of bundles shall be oriented, angled, or oriented and angled in such a way that maximizes the audience's safety.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 06-12-010, § 212-17-323, filed 5/26/06, effective 6/26/06.]

WAC 212-17-325
Public display — Discharge site.

(1) The area selected for the discharge of aerial shells shall be so located that the trajectory of the shells will not come within 25 feet (7.6 m) of any overhead object.

(2) Ground display pieces shall be located at a minimum distance of 75 feet (22.9 m) from spectator viewing areas and parking areas.

Exception: For movable ground pieces, such as wheels, this minimum distance shall be increased to 125 feet (38 m).

(3) Mortars shall be separated from spectator viewing areas, parking areas and occupied residences by at least 70 feet per inch of internal mortar diameter, except as noted.

MINIMUM RADIUS OF DISPLAY SITE FOR OUTDOOR DISPLAY OF FIREWORKS

Mortar Sizes	Minimum Radius of Display Site
Under 3 in.	140 ft.
3 in.	210 ft.
4 in.	280 ft.
5 in.	350 ft.
6 in.	420 ft.
8 in.	560 ft.
10 in.	700 ft.
12 in.	840 ft.
Over 12 in.	As approved by local fire official

(4) Distances from bulk storage areas of materials that have a flammability, explosive, or toxic hazard shall be twice that required in the table.

(5) Distances from health care and detention and correctional facilities shall be at least twice the distances specified in the table.

(6) The potential landing area shall be a large, clear, open area which has been approved by the local fire official.

(7) Spectators, vehicles, or any readily combustible materials shall not be located within the potential landing area during the display.

(8) When mortars are positioned vertically, the mortars shall be placed at the approximate center of the display site.

(9) When aerial shells are to be stored at the discharge site for subsequent loading into mortars during the display, mortars shall be placed at least 1/6, but not more than 1/3, the distance from the center of the display site toward the main spectator area. The mortars shall be angled such that any dud shells will fall at a point approximately equal to the offset of the mortars

from the center of the display site but in the opposite direction.

[Statutory Authority: Chapter 70.77 RCW. 90-10-006 (Order 90-02), § 212-17-325, filed 4/19/90, effective 5/20/90. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-325, filed 11/2/82.]

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Exception: For movable ground pieces, such as wheels, this minimum distance shall be increased to 125 feet (38 m).

(3) Mortars shall be separated from spectator viewing areas, parking areas and occupied residences by at least 70 feet per inch of internal mortar diameter, except as noted.

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(9) When aerial shells are to be stored at the discharge site for subsequent loading into mortars during the display, mortars shall be placed at least 1/6, but not more than 1/3, the distance from the center of the display site toward the main spectator area. The mortars shall be angled such that any dud shells will fall at a point approximately equal to the offset of the mortars

from the center of the display site but in the opposite direction.

[Statutory Authority: Chapter 70.77 RCW. 90-10-006 (Order 90-02), § 212-17-325, filed 4/19/90, effective 5/20/90. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-325, filed 11/2/82.]

WAC 212-17-327
Requirements for chain fusing.

(1) Wherever more than three shells are to be chain fused, such as for sequential firing, additional measures shall be required to prevent adjacent mortars from being repositioned in the event that a shell explodes in a mortar, causing it to burst.

(2) For buried mortars, prevention of repositioning shall be accomplished by spacing the mortars with a minimum separation distance of four times their diameter.

(3) For mortars in racks, prevention of repositioning shall be accomplished by mortar racks that have sufficient strength to withstand such a failure successfully.

(4) Chain-fused mortar racks shall be positioned to maximize the placement of racks perpendicular to spectator viewing areas.

(5) Chain-fused mortar racks containing mortars three inches or less in diameter shall be limited to a maximum of fifteen mortars per unit. Racks containing mortars four inches in diameter shall be limited to a maximum of twelve mortars. Racks containing mortars five to six inches in diameter shall be limited to a maximum of ten mortars. Chain-fused racks shall not be used for mortars greater than six inches.

Exception: Boxed finale items containing tubes two and one-half inches or less in diameter only shall not be required to comply with the limitation above.

(6) All chain-fused aerial fireworks devices, including those not in mortar racks such as roman candle batteries and multitube aerial items, shall be positioned securely to prevent tip over or hazardous movement during operation. This shall be accomplished by the use of stakes, racks, sandbags, earth, or equivalent means.

(7) Staple guns shall not be permitted to be used to secure quick match that is connected to aerial shells, mines, or comets.

(8) Chain-fused aerial shells shall not be permitted to be reloaded.

Statutory Authority: Chapters 43.43 and 70.77 RCW. 06-12-010, § 212-17-327, filed 5/26/06, effective 6/26/06.]

WAC 212-17-330
Public display — Operation.

General requirements.

(1) The licensee of the display shall provide adequate fire protection for the display, as required by the local fire official.

(2) The licensee shall consult with the local fire official to determine the level of fire protection and crowd control necessary.

(3) Monitors whose sole duty shall be the enforcement of crowd control shall be located around the display area by the licensee. The local fire and/or police officials shall determine the number of monitors needed and their placement.

(4) Monitors shall be located around the discharge site to prevent spectators or any other unauthorized persons from entering the discharge site. The discharge site shall be so restricted throughout the display and until the discharge site has been inspected after the display. Where practical, fences and rope barriers shall be used to aid in crowd control.

(5) If, in the opinion of local fire and/or police officials or the pyrotechnic operator, lack of crowd control should pose a danger, the display shall be immediately discontinued until such time as the situation is corrected.

(6) The pyrotechnic operator has the primary responsibility for safety. While the operator is allowed to actively participate in the firing of the fireworks display, the operator shall not become so busy as to allow interference with attention to safety.

(7) The pyrotechnic operator is responsible to ensure that a sufficient number of assistants are on hand for the safe conduct of the fireworks display. Only the operator and necessary assistants shall be permitted in the discharge area while the display is in progress.

(8) The pyrotechnic operator is responsible to ensure that all assistants are fully trained in the proper performance of their assigned tasks, and that they are knowledgeable of safety hazards.

(9) If, at any time, high winds or unusually wet weather prevail, such that in the opinion of local officials or the pyrotechnic operator a definite danger exists, the public display shall be postponed until weather conditions improve to an acceptable level.

(10) Light snow or mist need not cause cancellation of the display; however, all materials used in the display shall be protected from the weather by suitable means until immediately prior to use.

(11) Display operators and assistants shall use only flashlights or electric lighting for artificial illumination.

(12) No smoking or open flames shall be allowed in the shell storage area as long as shells are present. Signs to this effect shall be conspicuously posted.

[Statutory Authority: Chapter 70.77 RCW. 90-10-006 (Order 90-02), § 212-17-330, filed 4/19/90, effective 5/20/90. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-330, filed 11/2/82.]

WAC 212-17-335
Public display — Firing of shells.

(1) Shells shall be carried from the storage area to the discharge site only by their bodies, never by their fuses.

(2) Shells shall be checked for proper fit in their mortars prior to the display.

(3) When loaded into mortars, shells shall be held by the thick portion of their fuses and carefully lowered into the mortar. At no time shall the operator place any part of his body over the throat of the mortar.

(4) The operator shall be certain that the shell is properly seated in the mortar.

(5) Shells shall not, under any circumstances, be forced into a mortar too small to accept them. Shells that do not fit properly into the mortars shall not be fired; they shall be disposed of according to the supplier's instructions.

(6) Shells shall be ignited by lighting the tip of the fuse with a fusee, torch, portfire, or similar device. The operator shall never place any part of his body over the mortar at any time. As soon as the fuse is ignited, the operator shall retreat from the mortar area.

Exception: Alternatively, electrical ignition may be used.

(7) The safety cap protecting the fuse shall not be removed by the operator responsible for igniting the fuse until immediately before the shell is to be fired.

Exception: Where electrical ignition is used.

(8) The first shell fired shall be carefully observed to determine that its trajectory will carry it into the intended firing range and that the shell functions over, and any debris falls into, the potential landing area.

(9) The mortars shall be re-angled or reset if necessary at any time during the display.

(10) In the event of a shell failing to ignite in the mortar, the mortar shall be left alone for a minimum of fifteen minutes, then carefully flooded with water. Immediately following the display, the mortar shall be emptied into a bucket of water. The supplier shall be contacted as soon as possible for proper disposal instructions.

Exception: When electrical ignition is used and the firing failure is electrical in nature or the aerial shell was intentionally not fired, the shell may be salvaged by the pyrotechnic operator.

(11) It is the responsibility of the person igniting the aerial shells to detect when a shell does not fire from a mortar. The person shall warn others in the area and shall immediately cause the mortar to be marked to indicate the presence of an unfired aerial shell.

Exception: When electrically firing, it is not necessary to mark the mortar; however, persons entering the area after the fireworks display shall be warned that an unfired shell remains.

(12) Operators shall never attempt to repair a damaged shell nor shall they attempt to dismantle a dry shell. In all such cases, the supplier shall be contacted as soon as possible for proper disposal instructions.

(13) Operators shall never dry a wet shell, lance, or pot for reuse. In such cases, the shell, lance, or pot shall be handled according to disposal procedures.

(14) The entire firing range shall be inspected immediately following the display for the purpose of locating any defective shells. Any shells found shall be immediately doused with water before handling. The shells shall then be placed in a bucket of water. The supplier shall then be contacted as soon as possible for proper disposal instructions.

(15) When fireworks are displayed at night, the licensee shall insure that the firing range is inspected right after the show and at first light the following morning.

(16) The operator of the display shall keep a record, on a form provided by the director of fire protection, of all shells that failed to ignite or fail to function. The form shall be completed and returned to the director of fire protection. Failures shall also be reported to the supplier.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-335, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. 90-10-006 (Order 90-02), § 212-17-335, filed 4/19/90, effective 5/20/90; 88-08-027 (Order FPS 88-01), § 212-17-335, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-335, filed 11/2/82.]

WAC 212-17-340
Public display — Ground pieces.

(1) All ground pieces shall be positioned out of the firing range of aerial displays. Mortars shall be positioned so that they do not fire towards any ground pieces.

(2) No dry grass or combustible material shall be located beneath ground pieces. If dry, the area should be thoroughly wet down before the display.

(3) Poles for ground pieces shall be securely placed and firmly braced so that they will not fall over when they function.

(4) Specific instructions from the supplier shall accompany ground pieces. A list of required accessories shall also be supplied.

[Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-340, filed 11/2/82.]

WAC 212-17-342

Public display — Floating vessels and platforms.

(1) Floating vessels and floating platforms shall be permitted to be manned or unmanned as long as the pyrotechnic crew remains in control of the site and firing of the display.

(2) Floating vessels and floating platforms shall be held in control at all times, whether self-propelled, controlled by another vessel, or secured by mooring or anchoring.

(3) Floating vessels and floating platforms shall be of sufficient strength and stability to safely allow the firing of the display.

(4) The types of fireworks and placement of the fireworks launch tubes and accompanying equipment shall be such that, when fired, the stability of the site structures and sea-worthiness of the floating vessels or platforms shall not be jeopardized.

(5) Floating vessels and floating platforms that are manned during electrical firing shall have a safety shelter. The safety shelter shall meet the following requirements:

(a) Be of sufficient size to accommodate all personnel present during the actual firing of the display;

(b) Have a minimum of three sides and a roof; and

(c) Have walls and a roof constructed of at least three-quarter-inch plywood or equivalent material.

(6) The minimum size for the floating vessel or floating platform for electrically fired programs that are manned shall be based upon the area for the setup of the display plus the safety area for the safety shelter.

Exceptions: (a) Multishot devices up to three inches in diameter shall be calculated at twice the actual footprint of each device (length x width).

(b) Ground display pieces shall be excluded from the calculations for minimum display set-up area.

The required minimum size for a barge (in square feet) for a particular display shall be determined by the following calculations: Minimum discharge site (in square feet) = sum of (total number of each size mortar times its inside diameter) divided by two.

Example:

A display containing one hundred three-inch shells, fifty four-inch shells, twenty five-inch shells, ten six-inch shells, and five eight-inch shells would require the following minimum display set-up area.

$$\frac{100 \times 3 + 50 \times 4 + 20 \times 5 + 10 \times 6 + 5 \times 8}{2}$$

$$\frac{300 + 200 + 100 + 60 + 40}{2}$$

$$700 / 2 = 350 \text{ square feet}$$

(7) Separation between mortars and safety shelter shall be two feet per inch of diameter of any mortars up to six inches in diameter. For shells larger than six inches in diameter, the minimum separation distance shall be four feet per inch of shell diameter.

Exception: If the safety shelter is constructed of stronger material, then the separation distance between mortars and the shelter shall be permitted to be reduced.

(8) At all times a minimum of two separate egress paths shall be provided. Only one egress path shall be required from protective barricades or safety shelters.

(9) Egress paths shall be unobstructed and free of impediments.

(10) Floating platforms constructed of wood or other combustible material shall be permitted to be used as a fireworks launch vessel.

(11) Manual firing of displays shall be permitted on floating vessels and floating platforms under the following conditions:

(a) All shells shall be preloaded into mortars prior to the display;

(b) Shells shall be limited to single-break and shall not exceed six inches in diameter;

(c) The minimum size of the floating vessel or floating platform shall be twice that required for an electrically fired display;

(d) A protective barrier(s) meeting the strength requirements of three-quarter-inch plywood or equivalent shall be provided. All personnel other than the shooter(s) and operator shall be behind the barrier(s) during the display; and

(e) Electrical firing on the same vessel or platform where manual firing is used shall be in accordance with the requirements for the electrical fired display.

(12) Shells shall be loaded into mortars and in place prior to the start of a display. There shall be no reloading of any material during the display.

(13) All personnel, other than spotters of fire watch, shall be in safety shelters. Spotters and fire watch on a floating platform or floating vessel shall be behind protective barriers during the display with a minimum wall construction of three-quarter-inch plywood or equivalent material.

(14) A U.S. Coast Guard approved personal flotation device (PFD) shall be provided and available for each person on a display launched from floating vessels and floating platforms. Those PFDs shall be properly worn any time the vessel is not moored at the dock. PFDs shall have or include a visual location device.

(15) A watercraft ready and capable of providing rapid emergency response shall be present during the display.

(16) The positions of the shells or mortars on floating vessels and floating platforms from which fireworks are launched shall comply with minimum safety distance requirements as outlined in WAC 212-17-325.

(17) An operational means of communication, such as a cellular/digital telephone, marine radio, or walkie-talkie system, shall be on board manned vessels and platforms from which fireworks are being discharged.

(18) During the display only necessary personnel shall be aboard any floating vessel or floating platform.

(19) Floating vessels and floating platforms shall be free of all nonessential flammable or combustible materials.

(20) Portable power-generation equipment, motorized vehicles, and material-handling equipment deemed necessary for the performance of the display shall be permitted.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 06-06-003, § 212-17-342, filed 2/16/06, effective 3/19/06.]

WAC 212-17-345

Public display — Reports.

After every public display, it shall be the responsibility of the licensed pyrotechnic operator in charge of the display to submit a written report to the director of fire protection, within ten days following the display, covering:

(1) A brief report of any duds, defective shells, with manufacturer's name, and the type and size of shell.

(2) A brief account of the cause of injury to any person(s) from fireworks and such person's name and address.

(3) A brief account of any fires caused by fireworks.

(4) Any violation of the state fireworks law or of these regulations relating to public display fireworks, with special observations on any irregularities on the part of persons present at the firing site.

(5) The names of pyrotechnic assistants who satisfactorily assisted in all phases of the display, if other than those shown on the license.

Failure to file this report shall constitute grounds for revocation of the operator's current license and/or rejection of his application for his license renewal.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-345, filed 5/24/05, effective 6/24/05. Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-345, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-345, filed 11/2/82.]

Office of the State Fire Marshal

A Bureau of the Washington State Patrol

Celebrate Legally
Fireworks Enforcement Campaign

Descriptions of
Legal Fireworks Devices and Illegal Explosive Devices

Legal Fireworks

RCW 70.77.136 **"Consumer fireworks"** means any small firework device designed to produce visible effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the United States consumer product safety commission, as set forth in 16 C.F.R. Parts 1500 and 1507 and including some small devices designed to produce audible effects, such as whistling devices, ground devices containing 50 mg or less of explosive materials, and aerial devices containing 130 mg or less of explosive materials and classified as fireworks UN0336 by the United States department of transportation at 49 C.F.R. Sec. 172.101 as of June 13, 2002, and not including fused set pieces containing components which together exceed 50 mg of salute powder.

SPARKLER:	Stick or wire coated with pyrotechnic composition that produces a shower of sparks upon ignition.
CYLINDRICAL FOUNTAIN:	Cylindrical tubes containing pyrotechnic composition. Upon ignition, a shower of colored sparks and sometimes a whistling effect are produced. This device may be provided with a spike for insertion into the ground (spike foundation) or a wood or plastic base for placing on the ground (base foundation).
CONE FOUNTAIN:	Cardboard or heavy paper cone containing pyrotechnic composition. The effect is the same as that of a cylindrical fountain.
ILLUMINATING TORCH:	Cylindrical tube containing pyrotechnic composition. Upon ignition, colored fire is produced.
WHEEL:	Pyrotechnic device attached to a post or tree by means of a nail. Each wheel may contain up to six driver units containing pyrotechnic composition. Upon ignition, the wheel revolves producing a shower of color, sparks and sometimes a whistling effect.
GROUND SPINNER:	Small device similar to a wheel in design and effect, placed on the ground and ignited. The rapidly spinning device produces a shower of sparks and color.
FLITTER SPARKLER:	Narrow paper tube containing pyrotechnic composition, which produces color and sparks upon ignition. This device does not have a fuse for ignition. The paper at one end of the tube is ignited to make the device function.
MINE/SHELL:	Heavy cardboard or paper tube attached to a wood or plastic base and containing pyrotechnic composition. Upon ignition, "stars" or other devices are propelled into the air. The tube remains on the ground.
COMBINATION ITEMS:	Firework devices containing a combination of two or more of the effects described in this section.
SMOKE DEVICE:	Tube or sphere containing pyrotechnic composition which, upon ignition, produces white or colored smoke as the primary effect.
HELICOPTER AERIAL SPINNER:	A tube containing pyrotechnic composition. A propeller or blade is attached which, upon ignition, lifts the rapidly spinning device into the air. A visible or audible effect is produced at the height of the flight.
ROMAN CANDLE:	Heavy paper or cardboard tube containing pyrotechnic composition. Upon ignition, up to ten "stars" (pellets of pressed pyrotechnic composition that burn with bright colors) are individually expelled at several-second intervals.

Fireworks Legal on Tribal Land

Firecrackers, bottle rockets, missiles and rockets are legal to possess and discharge on tribal lands. These items are illegal in Washington State and become illegal fireworks when possessed off tribal lands.

Illegal Explosive Devices

M-80's and larger, dynamite and any improvised, homemade or altered explosive devices such as tennis balls or cherry bombs are illegal explosive devices. Persons in possession or using illegal explosive devices can and should be charged with a felony.

WAC 212-17-035
Definition and classification — "Consumer fireworks."

The term "consumer fireworks" shall mean any fireworks designed primarily to produce visible or audible effects by combustion. The term includes:

(1) Ground and hand-held sparkling devices.

(a) Dipped stick, sparkler. Stick, or wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. Total pyrotechnic composition may not exceed 100 grams per item. Those devices containing any perchlorate or chlorate salts may not exceed 5 grams of pyrotechnic composition per item. Wire sparklers which contain no magnesium and which contain less than 100 grams of composition per item, not Division 1.4, 1.5, or 1.6 explosives under DOT regulations, are included in this category.

(b) Cylindrical fountain. Cylindrical tubes not more than 3/4 inch (19 mm) inside diameter, containing up to 75 grams of pyrotechnic composition. Upon ignition, a shower of colored sparks, and sometimes a whistling effect is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle, if intended to be hand-held (handle fountain).

(c) Cone fountain. Cardboard or heavy paper cone containing up to 50 grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain.

(d) Illuminating torch. Cylindrical tube containing up to 100 grams of pyrotechnic composition. Upon ignition, colored fire is produced. May be spike, base, or hand-held.

(e) Wheel. Pyrotechnic device attached to a post or tree by means of a nail or string. Each wheel may contain up to six "driver" units; tubes not exceeding 1/2 inch (12.5 mm) inside diameter and containing up to 60 grams of pyrotechnic composition. Total pyrotechnic composition of each wheel shall not exceed 240 grams. Upon ignition, the wheel revolves, producing a shower of color and sparks and, sometimes, a whistling effect.

(f) Ground spinner. Small device similar to a wheel in design and effect and placed on the ground and ignited. A shower of sparks and color is produced by the rapidly spinning device.

(g) Flitter sparkler. Narrow paper tube filled with pyrotechnic composition that produces color and sparks upon ignition. This device does not have a fuse for ignition. The paper at one end of the tube is ignited to make the device function.

(2) Aerial device.

(a) Helicopter, aerial spinner. A tube not more than 1/2 inch (12.5 mm) inside diameter and containing up to 20 grams of pyrotechnic composition. A propeller or blade is attached, which, upon ignition, lifts the rapidly spinning device into the air. A visible or audible effect is produced at the height of flight.

(b) Roman candles. Heavy paper or cardboard tube containing up to 20 grams of pyrotechnic composition. Upon ignition, up to ten "stars" (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several-second intervals.

(c) Mine, shell. Heavy cardboard or paper tube up to 2 1/2 inches (63.5 mm) inside diameter attached to a wood or plastic base and containing up to 40 grams of pyrotechnic composition. Upon ignition, "stars," or other devices are propelled into the air. The tube remains on the ground.

(3) Combination items. Fireworks devices containing combinations of two or more of the effects described in this section.

(4) Smoke device. Tube or sphere containing pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

(5) Aerial shell. A 1 3/4" or smaller cylindrical or spherical cartridge containing up to 40 grams of chemical composition.

(6) Mortar. A 1 3/4" or smaller cardboard tube in which aerial shells are discharged into the air.

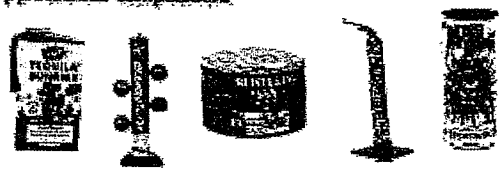
(7) Division 1.4G explosives classified on January 1, 1984, as consumer fireworks by the United States Department of Transportation except that the term shall not include firecrackers, salutes, chasers, skyrockets, or missile-type rockets.

[Statutory Authority: Chapters 43.43 and 70.77 RCW. 05-12-033, § 212-17-035, filed 5/24/05, effective 6/24/05. Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-035, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-035, filed 11/2/82.]

WASHINGTON STATE LEGAL FIREWORKS
SOLD IN LICENSED FIREWORK STANDS AND TENTS

Cylindrical Fountain

Cylindrical tubes not more than 3/4 inch (19 mm) inside diameter, containing up to 75 grams of pyrotechnic composition.



Cone Fountain

Cardboard or heavy paper cone containing up to 50 grams of pyrotechnic composition not to exceed 200 grams.

Wheels

Each wheel may contain up to six "driver" unit, tubes exceeding 1/2 inch (12.5 mm) inside diameter containing up to 60 grams of pyrotechnic composition. Total pyrotechnic composition of each wheel shall not exceed 240 grams.

Ground Spinners

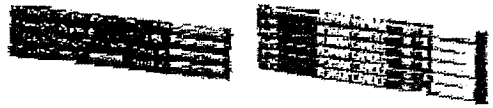
Same device containing not more than 20 grams of pyrotechnic composition. Similar in operation to a wheel but intended to be placed flat on the ground and ignited.

Helicopters, Aerial Spinners

Helicopter, aerial spinner. A tube containg not more than 20 grams of pyrotechnic composition. A propeller or blade is attached, which, upon ignition, lifts the rapidly spinning device into the air. A visible or audible effect is produced at the height of flight.

Roman Candles

Heavy paper or cardboard tube containing up to 20 grams of pyrotechnic composition. Upon ignition, stars are individually expelled at several intervals.



Mine / Shells

Heavy cardboard or paper tube up to 2 1/2 inches inside diameter attached to a wood or plastic base and containing up to 40 grams of pyrotechnic composition. Upon ignition, stars or other devices are propelled into the air. the tube remains on the ground.

Reloadables Mortors

A 1 3/4 or smaller cardboard tub e in which aerials shells are discharged into the air.

Smoke Devices

Tube or sphere containg pyrotechnic composition that upon ignition produces white or colored smoke as a primary effect.

Parachutes

Upon ignition one or more parachutes propelled into the air with stars, smoke and other effects being discharged as the parachute floats downward.

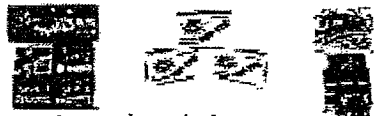
Dipped Stick, Sparkler

Stick, or wire coated with pyrotechnic composition that producca a shower of sparks upon ignition. Total pyrotechnic composition may not exceed 100 grams per item. Wire sparklers which contain no magnesium and which contains less than 100 grams of composition per item, Class "C" explosives under DOT regulations.

Novelties Non Firework Items

"Trick & Novelty devices" shall mean any small firework device not classified as consumer or display fireworks by the United States Department of Transportation or elsewhere in these rules, including: Snakes, Glow Worms, Trick Noisemakers, Snapper.

Party Poppers - Small plastic or paper item containg not more than 16 mg of explosive composition that is friction sensitive.



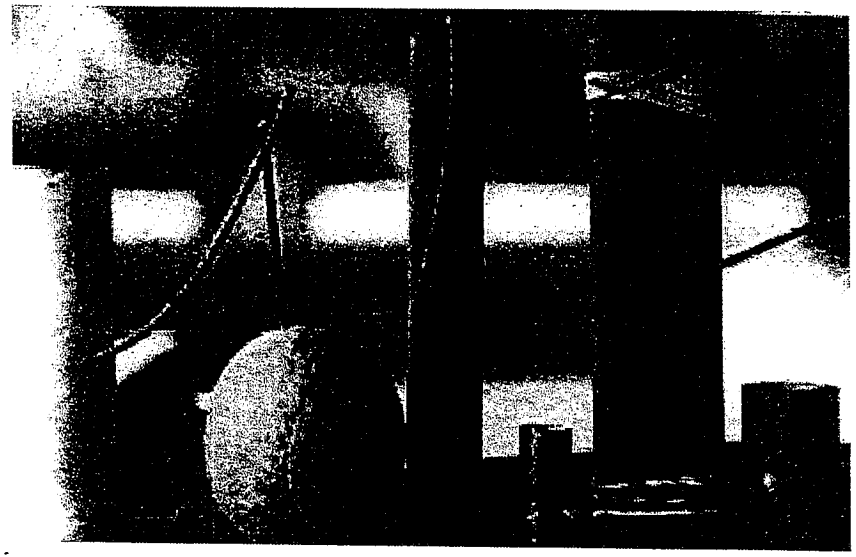
RCW 70.77.136 "Consumer Fireworks" means any small firework device designed to produce visible effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the United States consumer product safety commission, as set forth in 16 C.F.R. Parts 1500 and 1507 and including some small devices designed to produce audible effects, such as whistling devices, ground devices containing 50 mg or less of explosives materials, and aerials devices containing 130 mg or less of explosive materials and classified as fireworks UN0336 by the United States department of transportation at 49 C.F.R. 172.101 as of June 13, 2002, and not including fused set pieces containing components which together exceed 50 mg of salute powder.

ILLEGAL EXPLOSIVE DEVICES AND FIREWORKS THAT ARE ILLEGAL UNDER WASHINGTON STATE LAW

ILLEGAL EXPLOSIVE DEVICES in Washington State

M-80's and larger, dynamite and any improvised homemade devices. Persons in possession or using illegal explosives devices can be charged with a felony.

M-80, M-150, M-200, M-500, M-600, M-1000, M-1300, M-3500 Tennis Ball Bombs, Sparkler Bombs and other homemade or altered fireworks.



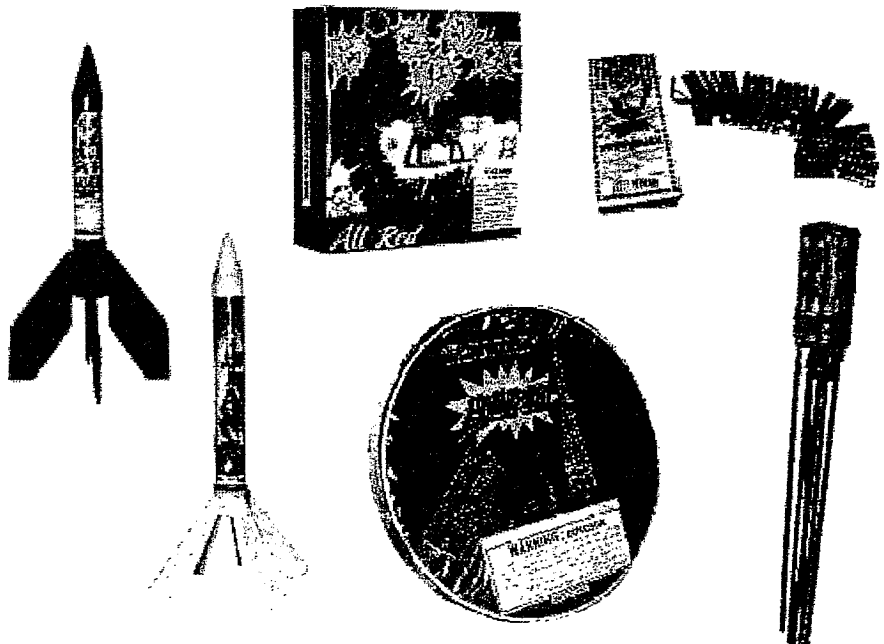
Fireworks ILLEGAL in Washington State

1.4G Fireworks that are legal to sell & discharge on Tribal Land but cannot be taken or discharged off Tribal Land.

Bottle/Sky Rockets - Tubes 1/2" (12.5 mm) contains 20 grams pyrotechnic composition.

Missiles - type Rocket

Firecrackers, Salutes - 2 grains (130 mg) of explosive composition.



TRANSACTION JOURNAL

Town Of Eatonville
MCAG #: 0578

Time: 13:12:27 Date: 03/23/2011

Trans	Date	Redeemed	Acct #	Chk #	Type	Receipt # InterFund #	Vendor	Amount	Memo
1576	**03/28/2011**		**631**	**29554**	**Claims**		**Airgas Norpac**	**138.84**	
	526 20 31 00 Ems Operating Supplie		001 Current Expense					86.58	Oxygen
	526 20 31 00 Ems Operating Supplie		001 Current Expense					19.40	Oxygen, Haz Material
	535 10 31 00 Sewer Office/operatng		411 Sewer					32.86	Haz Material
1577	**03/28/2011**		**631**	**29555**	**Claims**		**Associated Petroleum**	**2,292.71**	
	521 20 32 00 Law Enforcement Fuel		001 Current Expense					824.38	Fuel
	522 20 32 00 Fire Control Fuel		001 Current Expense					335.62	Fuel
	526 20 32 00 Ems Fuel		001 Current Expense					484.62	Fuel
	533 10 32 00 Electric Fuel		401 Electric					379.44	Fuel
	534 10 32 00 Water Fuel		410 Water					84.35	Fuel
	535 10 32 00 Sewer Fuel		411 Sewer					131.66	Fuel
	559 60 32 00 Building Code Enforce		001 Current Expense					52.64	Fuel
1578	**03/28/2011**		**631**	**29556**	**Claims**		**Blacksheep Technology**	**750.00**	
	514 23 41 00 Finance Professional S		001 Current Expense					83.34	April Support
	521 20 41 00 Law Enforcement Pro S		001 Current Expense					83.28	April Support
	522 10 41 00 Fire Control Professior		001 Current Expense					83.34	April Support
	526 20 41 00 Ems Professional Servi		001 Current Expense					83.34	April Support
	533 80 41 00 Electric Profesional Se		401 Electric					83.34	April Support
	534 10 41 00 Water Professional Ser		410 Water					83.34	April Support
	535 80 41 00 Sewer Professional Ser		411 Sewer					83.34	April Support
	558 60 41 00 Planning Professional S		001 Current Expense					83.34	April Support
	559 60 41 00 Building Code Professi		001 Current Expense					83.34	April Support
1579	**03/28/2011**		**631**	**29557**	**Claims**		**Bonneville Power Admin**	**112,361.00**	
	533 60 33 00 Power Purchased To R		401 Electric					112,361.00	Power Purchased For Resale
1580	**03/28/2011**		**631**	**29558**	**Claims**		**Canon Financial Services**	**105.40**	
	521 20 45 00 Law Enforcement Leas		001 Current Expense					105.40	Copier Contract
1581	**03/28/2011**		**631**	**29559**	**Claims**		**Cecil E Snodgrass MD INC PS**	**1,500.00**	
	526 20 41 00 Ems Professional Servi		001 Current Expense					1,500.00	Medical Director Fees
1582	**03/28/2011**		**631**	**29560**	**Claims**		**Coastwide Laboratories**	**764.72**	
	518 78 31 00 Town Hall Operating S		001 Current Expense					184.02	Paper Towels
	518 78 31 00 Town Hall Operating S		001 Current Expense					108.99	Toilet Paper
	535 10 31 00 Sewer Office/operatng		411 Sewer					72.45	Hand Sanitizer
	575 50 31 00 Comm Center Operatin		001 Current Expense					399.26	Toilet Paper, Paper Towels, Can Liners
1583	**03/28/2011**		**631**	**29561**	**Claims**		**Eatonville Auto Center**	**228.64**	
	521 20 48 00 Law Enforce Repairs &		001 Current Expense					228.64	Veh 05/ LOF, Idler Pully, Drive Belt Tensioner
1584	**03/28/2011**		**631**	**29562**	**Claims**		**Eatonville Veterinary Clinic**	**25.00**	

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Town Of Eatonville
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Trans	Date	Redeemed	Acct #	Chk #	Type	Receipt # InterFund #	Vendor	Amount	Memo
	539 30 41 00 Animal Control Profes:		001 Current Expense					25.00	Animal Euth
1585	**03/28/2011**		**631**	**29563**	**Claims**		**Johnson & Reeder, P. Faubion**	**500.00**	
	512 50 41 00 Court Professional Ser		001 Current Expense					500.00	Judge Services March 2011
1586	**03/28/2011**		**631**	**29564**	**Claims**		**City Of Fife**	**2,384.24**	
	521 20 51 00 Law Enforcement Inter		001 Current Expense					2,384.24	Dispatching Services, February
1587	**03/28/2011**		**631**	**29565**	**Claims**		**Harold Lemay Enterprises**	**400.60**	
	537 60 41 00 Refuse Contract		460 Refuse Fund					400.60	School Refuse
1588	**03/28/2011**		**631**	**29566**	**Claims**		**Helen's Pumps & Filters, Inc.**	**5,157.69**	
	534 80 48 00 Water Repairs & Main		410 Water					5,157.69	Replace Pump At Well #2
1589	**03/28/2011**		**631**	**29567**	**Claims**		**LTI, Inc**	**4,348.18**	
	542 66 48 00 Snow/ice Control		101 Streets					4,348.18	Salt For Streets
1590	**03/28/2011**		**631**	**29568**	**Claims**		**Meridian Hughes Fire Apparatus Servic**	**32.17**	
	522 50 48 00 Fire Control Repairs &		001 Current Expense					32.17	Brass Insert, Shaft Screws
1591	**03/28/2011**		**631**	**29569**	**Claims**		**Michael E. Cavanaugh, J.D.**	**2,415.73**	
	521 20 41 00 Law Enforcement Pro S		001 Current Expense					2,415.73	Arbitration
1592	**03/28/2011**		**631**	**29570**	**Claims**		**PC Clerks' & Finance Officers' Assoc**	**50.00**	
	519 90 49 00 Misc Dues		001 Current Expense					50.00	2011 PCCFOA McGlone And Linnemeyer
1593	**03/28/2011**		**631**	**29571**	**Claims**		**Kalzer, Inc., P.S. Patterson Buchanan Fc**	**5,869.52**	
	515 22 41 00 Legal Service- Town A		001 Current Expense					5,869.52	Attorney Services Feb 2011
1594	**03/28/2011**		**631**	**29572**	**Claims**		**Pierce Co Budget Finance**	**1,648.34**	
	519 90 49 00 Misc Dues		001 Current Expense					128.34	PCRC Dues
	523 60 51 00 Care/Custody Of Prisoı		001 Current Expense					516.00	Jail Housing Feb 2011
	523 60 51 00 Care/Custody Of Prisoı		001 Current Expense					764.00	Jail Housing
	526 40 43 00 Ems Training		001 Current Expense					240.00	Paramedic Recert, Murphy And Morgan
1595	**03/28/2011**		**631**	**29573**	**Claims**		**Pitney Bowes**	**126.00**	
	514 23 45 00 Finance Leases/Rentals		001 Current Expense					126.00	Postage Machine Rental
1596	**03/28/2011**		**631**	**29574**	**Claims**		**Professional Land Surveyors**	**1,500.00**	
	533 80 41 00 Electric Profesional Se		401 Electric					1,500.00	Electrical Easement
1597	**03/28/2011**		**631**	**29575**	**Claims**		**Quill Corp**	**85.03**	
	514 23 31 00 Finance Operating Sup		001 Current Expense					74.48	Office Supplies
	514 23 31 00 Finance Operating Sup		001 Current Expense					10.55	Surge Outlet
1598	**03/28/2011**		**631**	**29576**	**Claims**		**Rainier Connect**	**660.05**	
	521 20 42 00 Law Enforcement Com		001 Current Expense					582.46	T1 Repeater

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Town Of Eatonville
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Trans	Date	Redeemed	Acct #	Chk #	Type	Receipt # InterFund #	Vendor	Amount	Memo
	522 20 42 00 Fire Control Communi		001 Current Expense					77.59	Phone
1599	**03/28/2011**		**631**	**29577**	**Claims**		**Sharp Electronics Corporation**	**430.61**	
	526 20 45 00 EMS Leases/ Rentals		001 Current Expense					430.61	Fire Dept Copier
1600	**03/28/2011**		**631**	**29578**	**Claims**		**South Hill Window Clng**	**170.00**	
	518 78 41 00 Town Hall Professiona		001 Current Expense					95.00	Town Hall Window Cleaning
	575 50 41 00 Comm Professional Se		001 Current Expense					75.00	Comm Ctr Window Cleaning
1601	**03/28/2011**		**631**	**29579**	**Claims**		**Sprint**	**286.93**	
	521 20 42 00 Law Enforcement Com		001 Current Expense					286.93	Mdt Air Cards
1602	**03/28/2011**		**631**	**29580**	**Claims**		**Stewardship Partners**	**500.00**	
	538 30 41 00 Storm Drain Professior		450 Storm Drain					500.00	Rain Garden Expo
1603	**03/28/2011**		**631**	**29581**	**Claims**		**Superior LInen Service**	**314.56**	
	518 78 41 00 Town Hall Professiona		001 Current Expense					41.14	
	518 78 41 00 Town Hall Professiona		001 Current Expense					41.14	
	518 78 41 00 Town Hall Professiona		001 Current Expense					41.14	
	518 78 41 00 Town Hall Professiona		001 Current Expense					41.14	
	533 80 41 00 Electric Profesional Se		401 Electric					12.50	
	533 80 41 00 Electric Profesional Se		401 Electric					12.50	
	533 80 41 00 Electric Profesional Se		401 Electric					12.50	
	533 80 41 00 Electric Profesional Se		401 Electric					12.50	
	575 50 41 00 Comm Professional Se		001 Current Expense					25.00	
	575 50 41 00 Comm Professional Se		001 Current Expense					25.00	
	575 50 41 00 Comm Professional Se		001 Current Expense					25.00	
	575 50 41 00 Comm Professional Se		001 Current Expense					25.00	
1604	**03/28/2011**		**631**	**29582**	**Claims**		**System Design West, LLC**	**977.38**	
	522 20 42 00 Fire Control Communi		001 Current Expense					97.38	Postage For Ambulance Billing
	526 20 41 00 Ems Professional Servi		001 Current Expense					880.00	Ambualnce Billing
1605	**03/28/2011**		**631**	**29583**	**Claims**		**US Bank**	**4,308.04**	**Mckasson**
	511 40 43 00 Council Training		001 Current Expense					234.68	Mayor AWC Legislative Conference Lodging
	513 40 43 00 Mayor Training		001 Current Expense					234.68	Allison AWC Legislative Conference Lodging
	518 78 31 00 Town Hall Operating S		001 Current Expense					18.93	Twist Lamp
	518 78 48 00 Town Hall Repairs & M		001 Current Expense					45.05	Tape, Fasteners, Lights, Cement, Hook, Bags
	521 20 41 00 Law Enforcement Pro S		001 Current Expense					61.20	Domain Renewal
	521 20 49 00 Law Enforcement Misc		001 Current Expense					31.09	Civil Service Background Lunch
	521 40 43 00 Law Enforcement Trai		001 Current Expense					50.00	LEIRA Training

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Trans	Date	Redeemed	Acct #	Chk #	Type	Receipt # InterFund #	Vendor	Amount	Memo
			522 20 31 00 Fire Control Operating	001	Current Expense			81.47	Bushing, Conduit,sheetrock,plug,glue,brush,hillman Fasteners
			522 20 31 00 Fire Control Operating	001	Current Expense			374.71	Drywall Mud, Dryer Cord, Sand Paper, Door Sweep, Dryer Vent, Stove Pipe
			522 20 35 00 Fire Control Minor To	001	Current Expense			175.00	Bright Star Flashlight
			522 20 35 00 Fire Control Minor To	001	Current Expense			23.48	Air Chuck, Tire Gauge
			522 20 42 00 Fire Control Communi	001	Current Expense			14.97	Shipping
			522 20 42 00 Fire Control Communi	001	Current Expense			20.39	Shipping
			522 50 48 00 Fire Control Repairs &	001	Current Expense			191.17	Hydrostatic Test, Radio Programming
			526 20 31 00 Ems Operating Supplie	001	Current Expense			95.08	Glue, Safety Glasses
			526 20 31 00 Ems Operating Supplie	001	Current Expense			37.67	Purell Dispenser For Aid Van
			526 20 31 00 Ems Operating Supplie	001	Current Expense			82.48	Swiffer, Wipes, Purex, Adhesive Labels
			526 20 31 00 Ems Operating Supplie	001	Current Expense			622.40	Gun Vault, Medical Supplies
			526 20 31 00 Ems Operating Supplie	001	Current Expense			687.73	Medical Supplies
			526 50 48 00 Ems Repairs & Mainte	001	Current Expense			253.55	Block Heater Cord, Connector, Screws,fuseholder, Power Outlet
			526 50 48 00 Ems Repairs & Mainte	001	Current Expense			34.34	Relay
			533 10 31 00 Electric Operating Sup	401	Electric			15.29	20amp Breaker, Switch Box, Oct. Box/ Return Breaker
			535 10 31 00 Sewer Office/operatng	411	Sewer			11.09	Grass Seed
			535 40 43 00 Sewer Training	411	Sewer			175.00	WOW Conference
			542 30 35 00 Streets Tools/minor Eq	101	Streets			56.03	Snow Pushers
			558 60 31 00 Planning Operating Su	001	Current Expense			46.15	Wireless Laser Presentation Remote
			559 50 62 01 Town Properties -Vanl	001	Current Expense			141.39	Sump Pump, Hose, Fasteners
			559 50 62 01 Town Properties -Vanl	001	Current Expense			32.10	Flush Lever, Faucet
			559 60 31 00 Building Code Operati	001	Current Expense			9.27	Corner Brace, Hillman Fasteners, Laminating Business Cards
			575 50 48 00 Comm Center Repairs .	001	Current Expense			34.34	Power Bits, Corner Iron, Hillman Fasteners
			576 80 31 00 Parks Operating Suppli	001	Current Expense			76.98	Tape, Fasteners, Lights, Cement, Hook, Bags
			576 80 31 00 Parks Operating Suppli	001	Current Expense			36.63	Laminating Business Cards
			576 80 35 00 Parks Tools & Minor E	001	Current Expense			23.71	How Cultivator
			576 80 48 00 Parks Repairs & Maint	001	Current Expense			216.08	Paint For Park Restrooms
			576 80 48 00 Parks Repairs & Maint	001	Current Expense			63.91	Palm Sander, Sand Paper, Paint Thinner, Tape, Roller, Drain Opener
1606	**03/28/2011**		**631**	**29584**	**Claims**		**Verizon Wireless**	**171.86**	
			522 20 42 00 Fire Control Communi	001	Current Expense			171.86	Cell Phones
1607	**03/28/2011**		**631**	**29585**	**Claims**		**WH Pacific, Inc**	**18,159.16**	
			595 42 00 02 Mashell Ave TIB Gran	101	Streets			18,159.16	Mashell Ave Engineering

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Trans	Date	Redeemed	Acct #	Chk #	Type	Receipt # InterFund #	Vendor	Amount	Memo
1608	**03/28/2011**		**631**	**29586**	**Claims**		**Wapiti Aerial Svcs Inc**	**1,805.00**	
	533 80 41 00 Electric Profesional Se		401 Electric					1,805.00	Bucket And Digger/derrick Truck Inspections
1609	**03/28/2011**		**631**	**29587**	**Claims**		**Washington State Dept Of Licensing**	**61.58**	
	519 90 49 00 Misc Dues		001 Current Expense					61.58	4th Qtr Credit Card Fees
1610	**03/28/2011**		**631**	**29588**	**Claims**		**Washington State Patrol**	**50.79**	
	559 60 41 00 Building Code Professi		001 Current Expense					50.79	Fire Safety Review And Inspections For Multicare Clinic
1611	**03/28/2011**		**631**	**29589**	**Claims**		**Water Management Lab Inc**	**342.00**	
	535 80 41 00 Sewer Professional Ser		411 Sewer					342.00	Testing
1612	**03/28/2011**		**631**	**29590**	**Claims**		**Wingfoot Commercial Tire**	**681.30**	
	533 80 48 00 Electric Repairs & Mai		401 Electric					681.30	Chains, Tires

Adjustments:	0.00
Beginning Balance:	0.00
Revenues:	0.00
Warrant Expenditures:	171,603.07
Non Warrant Expenditures:	0.00
Interfund Transfers:	0.00
Redemptions:	0.00
Deposits:	0.00
Withdrawals:	0.00
Stop Payments:	0.00

Fund	Adjustments	Beg Bal	Revenues	War Exp	N War Exp	IT In	IT Out	Stop Pmts
001 Current Expense	0.00	0.00	0.00	25,089.95	0.00	0.00	0.00	0.00
101 Streets	0.00	0.00	0.00	22,563.37	0.00	0.00	0.00	0.00
401 Electric	0.00	0.00	0.00	116,875.37	0.00	0.00	0.00	0.00
410 Water	0.00	0.00	0.00	5,325.38	0.00	0.00	0.00	0.00
411 Sewer	0.00	0.00	0.00	848.40	0.00	0.00	0.00	0.00
450 Storm Drain	0.00	0.00	0.00	500.00	0.00	0.00	0.00	0.00
460 Refuse Fund	0.00	0.00	0.00	400.60	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	171,603.07	0.00	0.00	0.00	0.00

DEXTER HABECK

DATE	BUSINESS	ITEM	EMS Comm	EMS Training	EMS Op	EMS Tools	EMS Repairs	Fire Equip grant	Fire Comm	Fire Op Supply	Fire Rep	Fire Train	Fire Tool	Fire Train	Vanhoof house
			526 20 42	526 40 43	526 20 31	526 20 49	526 50 48	594 22 64	522 20 42	522 20 31	522 50 48	522 40 43	522 20 35	522 40 43	559506201
2/9/2011	Post Net	shipping							$ 20.39						
2/10/2011	Ram Mounts	RAM vehicle charge protect					$ 64.63								
2/11/2011	Ebay	powerstroke block heater cord					$ 43.85								
2/11/2011	Ram Mounts	RAM vehicle charge protect					$ 64.67								
2/15/2011	Eatonville Auto	butt connector, screw					$ 3.46								
2/16/2011	Ebay	stretcher J hook					$ 29.75								
2/25/2011	Walmart	swiffer, wipes, purex			$64.52										
2/23/2011	Concord Supplies	adhesive lables			$17.96										
2/28/2011	Eatonville Auto	butt connector, spade terminal,					$ 14.52								
3/2/2011	Eatonville Auto	trueview capsule					$ 15.08								
3/2/2011	Eatonville Auto	fuseholder, power ou					$ 9.84								
3/2/2011	Eatonville Auto	power ou					$ 7.75								
3/4/2011	O'reilly auto parts	air chuck, tire gauge											23.48		
2/8/2011	Arrow	hillman fasteners, brush								$ 11.53					
2/14/2011	Arrow	conduit, sheetrock,adapter,plug,glue								$ 74.36					
2/16/2011	Arrow	return items								$ (5.49)					
2/16/2011	Arrow	bushing								$ 1.07					
			$0.00	$0.00	$82.48	$0.00	$ 253.55	$ -	$ 20.39	$ 81.47	$0.00	$0.00	$23.48	$0.00	0.00
														DBL CK	$461.37

BUD LUCAS

DATE	BUSINESS	ITEM	Fire uniforms	Fire Tools	Fire Rep	Town rentals	Fire OP	Fire Training	EMS Comm	EMS train	DOH Grand	EMS OP	Fire Equip Grant	EMS OP	EMS Repair
			522 20 21	522 20 35	522 50 48	559 50 62 01	522 20 31	522 40 43	526 20 42	526 40 43	526 40 43	526 20 31	594 22 64	526 20 31	526 50 48
2/7/2011	Eatonville Auto	flare					$ 96.63								
2/3/2011	Life Assist	medical supplies												687.73	
2/14/2011	cascadia international	relay													34.34
2/14/2011	Puget Sound Instrument	radio programming			$16.17										
2/14/2011	Farwest aports	gun vault										89.88			
2/15/2011	Tacoma Scuba	Hydrostatic Test			$175.00										
2/22/2011	Arrow	flush lever, faucet				$32.10									
2/28/2011	Life Assist	medical supplies										511.40			
2/28/2011	Life Assist	medical supplies										11.04			
3/4/2011	Arrow	keys										10.08			
2/25/2011	Arrow	return					$ (4.10)								
2/23/2011	Home Depot	trim					$ 14.60								
2/24/2011	Arrow	elbow, galv stove pipe					$ 6.12								
2/24/2011	Arrow	cover blank steel,ext box,					$ 7.51								
2/24/2011	Arrow	return items					$ (5.73)								
2/24/2011	Arrow	return items					$ (24.36)								
2/22/2011	Arrow	msk tape, rustoleum epoxy,					$ 21.62								
2/22/2011	Arrow	drywall mud,2x4's,light bulbs					$ 24.94								
2/17/2011	Arrow	drywall mud					$ 10.23								
2/14/2011	Platt	wire					$ 71.97								
2/14/2011	Arrow	dryer cord,bushing,nipple,receptacle					$ 52.32								
2/11/2011	Arrow	sand paper,brass nipple,bush					$ 18.48								
2/9/2011	Arrow	dryer flush, dryer cord,dryer vent					$ 75.33								
2/7/2011	Arrow	door sweep					$ 9.15								
			$0.00	$0.00	$191.17	$32.10	$ 374.71	$ -	$ -	$ -	$ -	$ 622.40	$0.00	$687.73	$34.34
														DBL CK	$1,942.45

STEVE MCKASSON													
DATE	BUSINESS	ITEM		WW op supply 535 10 31 00	WW tools 535 80 35 00	WW Uniform 535 80 21	WW Training 535 40 43 00	WW OP 535 10 31 00	WW Comm 535 80 42	water op 534 10 31		
2/10/2011	Green River Comm	WOW Conference					$ 175.00					
2/14/2011	Arrow	grass seed		$ 11.09								
			$0.00	$ 11.09	$ -	$ -	$ 175.00	$0.00	$0.00	$0.00	$0.00	$0.00
			$0.00								DBL CK	**$186.09**

	Mayor Harper											
DATE	BUSINESS	ITEM		Council Train 511 40 43	Parks op 576 80 31	Mayor Train 513 40 43	Bldg Op 511 40 43	Elec OP 533 10 31	Planning OP 558 60 31	WW 535 10 31	Water 534 10 31
2/17/2011	Red Lion	lodging, legislative conference		$ 234.68		234.68					
				$ 234.68	$0.00	$234.68	$0.00	$0.00	$0.00	$0.00	$0.00
										DBL CK	$469.36

CHRYSTAL MCGLONE

DATE	BUSINESS	ITEM		Fin Comm 514 23 42	Finance OP 514 23 31	Police Mis 521 20 49	Parks op 576 80 31	Mayor Train 513 40 43	TH OP 518 78 31	TH Misc 518 78 49 00	Planning OP 558 60 31	WW 535 10 31	Water 534 10 31
2/10/2011	Safeway	cleaning supplies							25.74				
2/11/2011	Walgreens	cleaning supplies							18.09				
3/2/2011	Bluehost	domain renewal			$ 107.40								
				$0.00	$ 107.40	$ -	$0.00	$0.00	$43.83	$0.00	$0.00	$0.00	$0.00
												DBL CK	$151.23

DATE	KATHY LINNEMEYER BUSINESS	ITEM		TH OP 518 78 48	Fin Prof 514 23 41	Misc dues 519 90 49	Fin Training 514 40 43	Mayor Train 513 40 43	Water op 533 10 31	Elec Pro 533 80 41	Park op 576 80 31	Plann Op 558 60 41	Bldg OP 559 60 31	Sewer Op 535 10 31	Water Pro 534 10 41
2/16/2011	Arrow	tape,fasteners,lights,cement,hook,bags		$ 45.05							76.98				
			##	$ 45.05	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$76.98	$0.00	$0.00	$0.00	$0.00
			##											DBL CK	$122.03

Doug Beagle

DATE	BUSINESS	ITEM		Fin OP 514 23 31	Fin Comm 514 23 42	Park Rep 576 80 48	Bldg Op 511 40 43	Elec OP 533 10 31	Planning OP 558 60 31	WW 535 10 31	Water 534 10 31
2/11/2011	CXT	Paint for park restrooms				216.08					
.											
.											
.											
				$ -	$0.00	$216.08	$0.00	$0.00	$0.00	$0.00	$0.00
										DBL CK	$216.08

Dan Sharpe

DATE	BUSINESS	ITEM		Elec OP 533 10 31	Elec Rep 533 80 48	Elect Misc 533 10 49 01	Town Hall Rep 518 78 48 00	Elec Comm 533 10 42 (	TH OP 518 78 31	finance com 514 23 42	CC rep maint 575 50 48	Elec Tool 533 80 35	
2/7/2011	Arrow	twist lamp CFL							18.93				
			$0.00	$0.00	$0.00	$ -	$0.00	$0.00	$18.93	$0.00	$0.00	$0.00	$0.00
			$0.00									DBL CK	$18.93

TERRY MOORE

DATE	BUSINESS	ITEM		Elec OP 533 10 31	Elec Rep 533 80 48	Elect Misc 533 10 49 01	Town Hall Rep 518 78 48 00	Elec Comm 533 10 42 (	Park Rep 576 80 48 (	finance com 514 23 42	CC rep maint 575 50 48	Elec Tool 533 80 35	
2/8/2011	Arrow	20 amp breaker		$9.15									
2/8/2011	Arrow	return breaker		($9.15)									
2/15/2011	Arrow	switch box		$10.77									
2/15/2011	Arrow	oct. box		$4.52									
			$0.00	$15.29	$0.00	$ -	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
			$0.00									DBL CK	$15.29

DATE	TIM LINCOLN BUSINESS	ITEM		Bldg Op Supply	Bldg Repairs	Street tools	Town houses	Park OP	Parks Tools	Park Repair	Comm ctr repair			
				559 60 31 00	559 60 48 00	542 30 35	559 50 62 01	576 80 31	576 80 35	576 80 48	575 50 48			
2/10/2011	Arrow	palm sander, sand paper								32.07				
2/10/2011	Arrow	paint thinner,tape,paint,roller								23.23				
2/14/2011	Arrow	pwr bits, corner iron									26.32			
2/14/2011	Arrow	hillman fasteners									8.02			
02/14/11	Arrow	hoe cultivator							23.71					
02/16/11	Postnet	laminating business carda		$ 3.21										
02/22/11	Arrow	garbage bags						36.63						
02/23/11	Arrow	snow pusher				56.03								
02/23/11	Arrow	sump pump,hose,fasteners					141.39							
03/01/11	Arrow	drain opener								8.61				
03/04/11	Arrow	corner brace, hillman fasteners		$ 6.06										
			##	$ 9.27	$0.00	$56.03	$141.39	$36.63	$23.71	$63.91	$34.34	$0.00	$0.00	$0.00
			##										DBL CK	**$365.28**

NICK BOND

DATE	BUSINESS	ITEM		Plan Comm 558 60 42 00	TH Misc 518 78 49	Plann OP 558 60 31	Plann Mis 558 60 49				
3/3/2011	Amazon.com	wireless laser presentation remote				46.15					
			$0.00	$ -	$0.00	$46.15	$0.00	$0.00	$0.00	$0.00	$0.00
			$0.00							DBL CK	$46.15

SHEILA DUDLEY

DATE	BUSINESS	ITEM	EMS Op supply 526 20 31	EMS repairs 526 50 48	EMS uniform 522 20 21 0(	Fire Train 522 40 4:	EMS Misc. 526 20 49 (	Fire Rep/maint 522 50 48 00	Fire Comm. 522 20 42 (	EMS capital 594 25 64 0	Fire Uniform 522 20 21	fire minor tool/eq 522 20 35	control prof s 522 10 41	TH opp supp 518 78 31
3/7/2011	Witmer Public safety	Bright star flashlight										$ 175.00		
2/23/2011	Kirks	glue	$ 41.16											
3/2/2011	restockit.com	safety glasses	53.92											
3/3/2011	Postnet	shipping							$ 14.97					
			$ 95.08	$ -	$ -	$ -	$ -	$ -	$ 14.97	$ -	$ -	$ 175.00	$ -	$ -
												DBL CK		$ 285.05

Kevin Wade

DATE	Business	ITEM PURCHASED		Police Op 521 20 31	Police Pro 521 20 41	Police repair 521 20 48	Police Misc 521 20 49	Police Train 521 40 43			
2/14/2011	Law enforcement records	LEIRA training						50.00			
			$0.00	$ -	$0.00	$0.00	$0.00	$50.00	$0.00	$0.00	$0.00
			$0.00							DBL CK	$50.00

Gaille Finley

DATE	BUSINESS	ITEM PURCHASED		ACO 539 30 48	Police Prof 521 20 41	Police Misc				
2/11/2011	Go Daddy.com	Domain renewal			61.20					
2/16/2011	Applebee's	civil service background lunch				$ 31.06				
			$0.00	$ -	$61.20	$31.06	$0.00	$0.00	$0.00	$0.00
			$0.00						DBL CK	$92.26

DATE	CHRISTINA DARGAN BUSINESS	ITEM		Elect Misc 533 10 31 00	Town Hall OP 518 78 31 00	Fire OP 522 20 31	Elec op 533 10 31	EMS OP 526 20 31	Sewer OP 535 10 31	Street OP 542 30 31	Plann Op 558 60 31
2/14/2011	Staples	purell dispenser aid van						37.67			
			$0.00	$ -	$0.00	$0.00	$0.00	$37.67	$0.00	$0.00	$0.00
			$0.00							DBL CK	$37.67

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Town Of Eatonville — Time: 13:20:18 Date: 03/23/2011
MCAG #: 0578 — 03/28/2011 To: 03/28/2011 — Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amout	Memo
1576	03/28/2011	Claims	631	29554	Airgas Norpac	138.84	
1577	03/28/2011	Claims	631	29555	Associated Petroleum	2,292.71	
1578	03/28/2011	Claims	631	29556	Blacksheep Technology	750.00	
1579	03/28/2011	Claims	631	29557	Bonneville Power Admin	112,361.00	
1580	03/28/2011	Claims	631	29558	Canon Financial Services	105.40	
1581	03/28/2011	Claims	631	29559	Cecil E Snodgrass MD INC PS	1,500.00	
1582	03/28/2011	Claims	631	29560	Coastwide Laboratories	764.72	
1583	03/28/2011	Claims	631	29561	Eatonville Auto Center	228.64	
1584	03/28/2011	Claims	631	29562	Eatonville Veterinary Clinic	25.00	
1585	03/28/2011	Claims	631	29563	Johnson & Reeder, P. Faubion	500.00	
1586	03/28/2011	Claims	631	29564	City Of Fife	2,384.24	
1587	03/28/2011	Claims	631	29565	Harold Lemay Enterprises	400.60	
1588	03/28/2011	Claims	631	29566	Helen's Pumps & Filters, Inc.	5,157.69	
1589	03/28/2011	Claims	631	29567	LTI, Inc	4,348.18	
1590	03/28/2011	Claims	631	29568	Meridian Hughes Fire Apparatus Service	32.17	
1591	03/28/2011	Claims	631	29569	Michael E. Cavanaugh, J.D.	2,415.73	
1592	03/28/2011	Claims	631	29570	PC Clerks' & Finance Officers' Assoc	50.00	
1593	03/28/2011	Claims	631	29571	Kalzer, Inc., P.S. Patterson Buchanan Fobes Leitch &	5,869.52	
1594	03/28/2011	Claims	631	29572	Pierce Co Budget Finance	1,648.34	
1595	03/28/2011	Claims	631	29573	Pitney Bowes	126.00	
1596	03/28/2011	Claims	631	29574	Professional Land Surveyors	1,500.00	
1597	03/28/2011	Claims	631	29575	Quill Corp	85.03	
1598	03/28/2011	Claims	631	29576	Rainier Connect	660.05	
1599	03/28/2011	Claims	631	29577	Sharp Electronics Corporation	430.61	
1600	03/28/2011	Claims	631	29578	South Hill Window Clng	170.00	
1601	03/28/2011	Claims	631	29579	Sprint	286.93	
1602	03/28/2011	Claims	631	29580	Stewardship Partners	500.00	
1603	03/28/2011	Claims	631	29581	Superior LInen Service	314.56	
1604	03/28/2011	Claims	631	29582	System Design West, LLC	977.38	
1605	03/28/2011	Claims	631	29583	US Bank	4,308.04	Mckasson
1606	03/28/2011	Claims	631	29584	Verizon Wireless	171.86	
1607	03/28/2011	Claims	631	29585	WH Pacific, Inc	18,159.16	
1608	03/28/2011	Claims	631	29586	Wapiti Aerial Svcs Inc	1,805.00	
1609	03/28/2011	Claims	631	29587	Washington State Dept Of Licensing	61.58	
1610	03/28/2011	Claims	631	29588	Washington State Patrol	50.79	
1611	03/28/2011	Claims	631	29589	Water Management Lab Inc	342.00	
1612	03/28/2011	Claims	631	29590	Wingfoot Commercial Tire	681.30	

001 Current Expense	25,089.95		
101 Streets	22,563.37		
401 Electric	116,875.37		
410 Water	5,325.38		
411 Sewer	848.40		
450 Storm Drain	500.00		
460 Refuse Fund	400.60		
	171,603.07	Claims:	171,603.07
	171,603.07	Payroll:	0.00

Trans	Date	Type	Acct #	Chk #	Claimant	Amout	Memo

I, the undersigned do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or labor performed as described herein, & that the claim is a just, due and unpaid obligation against the Town of Eatonville and that I am authorized to certify to said claim.

TOWN COUNCIL MEMBERS

Robert Schaub _____

Gordon Bowman _____

Brenden Pierce _____

Bobbi Allison _____

James Valentine _____

Civil Service _____

CHECK REGISTER

Town Of Eatonville — Time: 14:15:33 Date: 03/10/2011
MCAG #: 0578 — 03/10/2011 To: 03/10/2011 — Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amout	Memo
1396	03/10/2011	Claims	631	29552	Sherry Fredrickson	519.20	
1397	03/10/2011	Claims	631	29553	Mike Schaub	384.50	To Replace Check # 21076

001 Current Expense 519.20
402 Utilities Deposit Fund 384.50

Claims: 903.70
903.70 Payroll: 0.00

I, the undersigned do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or labor performed as described herein, & that the claim is a just, due and unpaid obligation against the Town of Eatonville and that I am authorized to certify to said claim.

TOWN COUNCIL MEMBERS

Robert Schaub _____

Gordon Bowman_____

Brenden Pierce_____

Bobbi Allison_____

James Valentine_____

Civil Service_____

CHECK REGISTER

Town Of Eatonville — Time: 13:19:58 Date: 03/17/2011
MCAG #: 0578 — 03/18/2011 To: 03/19/2011 — Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amout	Memo
1447	03/18/2011	Payroll	13	EFT	Shauna Anderson	1,608.35	3/1/11 tp 3/15/11
1448	03/18/2011	Payroll	13	EFT	Douglas Beagle	2,765.59	3/1/11 To 3/15/11
1449	03/18/2011	Payroll	13	EFT	Nicholas M Bond	2,042.83	3/1/11 tp 3/15/11
1450	03/18/2011	Payroll	13	EFT	Christina M Dargan	1,425.15	3/1/11 tp 3/15/11
1452	03/18/2011	Payroll	13	EFT	Miranda M Doll	1,266.40	3/1/11 To 3/15/11
1454	03/18/2011	Payroll	13	EFT	Sheila F Dudley	1,408.02	3/1/11 To 3/15/11
1458	03/18/2011	Payroll	13	EFT	Gaille C Finley	1,641.95	3/1/11 To 3/15/11
1459	03/18/2011	Payroll	13	EFT	Dexter Habeck	1,921.13	3/1/11 To 3/15/11
1462	03/18/2011	Payroll	13	EFT	Raymond Harper	546.65	3/1/11 To 3/15/11
1465	03/18/2011	Payroll	13	EFT	Kathy Linnemeyer	1,542.62	3/1/11 To 3/15/11
1467	03/18/2011	Payroll	13	EFT	Chrystal Mcglone	2,421.52	3/1/11 To 3/15/11
1468	03/18/2011	Payroll	13	EFT	Jason L Mcguire	1,969.29	3/1/11 To 3/15/11
1469	03/18/2011	Payroll	13	EFT	Steve Mckasson	1,910.33	3/1/11 To 3/15/11
1470	03/18/2011	Payroll	13	EFT	Fredrick Mercer	2,012.74	3/1/11 To 3/15/11
1471	03/18/2011	Payroll	13	EFT	Terrance W Moore	1,738.28	3/1/11 To 3/15/11
1472	03/18/2011	Payroll	13	EFT	Kerri Murphy	1,607.38	3/1/11 To 3/15/11
1473	03/18/2011	Payroll	13	EFT	Mike Schaub	402.80	3/1/11 To 3/15/11
1478	03/18/2011	Payroll	13	EFT	Johnny Wade	2,198.09	3/1/11 To 3/15/11
1487	03/18/2011	Payroll	13	EFT	Jason Darwent	1,239.64	3/1/11 To 3/15/11
1488	03/18/2011	Payroll	13	EFT	Daniel Murphy	1,165.10	3/1/11 To 3/15/11
1489	03/18/2011	Payroll	13	EFT	Gronn Morgan	1,594.85	3/1/11 To 3/15/11
1464	03/18/2011	Payroll	632	EFT	Timothy Lincoln	1,802.37	3/1/11 To 3/15/11
1476	03/18/2011	Payroll	632	EFT	Nestor N Sundita	1,997.97	3/1/11 To 3/15/11
1451	03/18/2011	Payroll	632	23432	Stanley Dekofski	361.90	3/1/11 To 3/15/11
1463	03/18/2011	Payroll	632	23433	Kathleen E Henricksen	460.13	3/1/11 To 3/15/11
1466	03/18/2011	Payroll	632	23434	Carl Lucas	467.87	3/1/11 To 3/15/11
1474	03/18/2011	Payroll	632	23435	Daniel G Sharpe	1,887.86	3/1/11 To 3/15/11
1475	03/18/2011	Payroll	632	23436	Gary Sokol	1,802.06	3/1/11 To 3/15/11
1477	03/18/2011	Payroll	632	23437	Mike W Tiller	2,362.40	3/1/11 To 3/15/11
1479	03/18/2011	Payroll	632	23438	Thomas G Baublits	192.47	3/1/11 To 3/15/11
1480	03/18/2011	Payroll	632	23439	Timothy Pollock	203.80	3/1/11 To 3/15/11
1482	03/18/2011	Payroll	632	23440	Robin Smith	111.52	3/1/11 To 3/15/11
1483	03/18/2011	Payroll	632	23441	Jerry Rule	88.22	3/1/11 To 3/15/11
1486	03/18/2011	Payroll	632	23442	Jeremy Brewer	1,467.56	3/1/11 To 3/15/11
1491	03/19/2011	Payroll	632	23443	Michael Bauer	94.35	February 2011 Transports
1492	03/19/2011	Payroll	632	23444	John Bethke	74.35	February 2011 Transports
1493	03/19/2011	Payroll	632	23445	Justin Claibourn	94.35	February 2011 Transports
1494	03/19/2011	Payroll	632	23446	Sheila Dudley	141.52	February 2011 Transports
1495	03/19/2011	Payroll	632	23447	Spencer Gray	47.17	February 2011 Transports
1496	03/19/2011	Payroll	632	23448	Haley Gregersen	94.35	February 2011 Transports
1497	03/19/2011	Payroll	632	23449	Timothy Pollock	47.17	February 2011 Transports
1498	03/19/2011	Payroll	632	23450	Jerry Rule	22.17	February 2011 Transports
1500	03/19/2011	Payroll	632	23451	Amanda Salinas	32.17	February 2011 Transports
1501	03/18/2011	Payroll	632	23452	AWC	16,967.37	03/18/2011 To 03/19/2011 - AWC
1502	03/18/2011	Payroll	632	23453	Aflac	350.66	03/18/2011 To 03/19/2011 - Aflac; 03/18/2011 To 03/19/2011 - Pre Tax Aflac
1503	03/18/2011	Payroll	632	23454	EFTPS 941 Tax Deposits	16,979.33	941 Deposit For 03/18/2011 - 03/19/2011
1504	03/18/2011	Payroll	632	23455	IBEW Local 483	717.60	03/18/2011 To 03/19/2011 - Ibew
1505	03/18/2011	Payroll	632	23456	WA Dept Retirement Systms	6,800.94	03/18/2011 To 03/19/2011 - Pers 2; 03/18/2011 To 03/19/2011 - Leoff 2
1506	03/18/2011	Payroll	632	23457	WA Dept Retirement Systms Deferred Comp	1,025.50	03/18/2011 To 03/19/2011 - Deferred Comp

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Town Of Eatonville — Time: 13:19:58 Date: 03/17/2011
MCAG #: 0578 — 03/18/2011 To: 03/19/2011 — Page: 2

Trans	Date	Type	Acct #	Chk #	Claimant	Amout	Memo	
		001 Current Expense				64,667.68		
		101 Streets				1,494.20		
		401 Electric				14,607.80		
		410 Water				4,412.41		
		411 Sewer				4,243.57		
		450 Storm Drain				1,698.18		
							Claims:	0.00
						91,123.84	Payroll:	91,123.84

I, the undersigned do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or labor performed as described herein, & that the claim is a just, due and unpaid obligation against the Town of Eatonville and that I am authorized to certify to said claim.

TOWN COUNCIL MEMBERS

Robert Schaub _____

Gordon Bowman_____

Brenden Pierce_____

Bobbi Allison_____

James Valentine_____

Civil Service_____

CHECK REGISTER

Town Of Eatonville — Time: 14:41:42 Date: 03/23/2011
MCAG #: 0578 — 03/01/2011 To: 03/31/2011 — Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amout	Memo
1616	03/23/2011	Payroll	13	23463	Steven Watton	18,579.61	Pay And Benefits From 7/16/10 Thru 03/15/2011
1617	03/23/2011	Payroll	13	23464	AWC	15,198.76	03/23/2011 To 03/23/2011 - AWC
1618	03/23/2011	Payroll	13	23465	EFTPS 941 Tax Deposits	17,025.66	941 Deposit For 03/23/2011 - 03/23/2011
1619	03/23/2011	Payroll	13	23466	IBEW Local 483	582.60	03/23/2011 To 03/23/2011 - Ibew
1620	03/23/2011	Payroll	13	23467	WA Dept Retirement Systms	5,218.01	03/23/2011 To 03/23/2011 - Leoff 2
1552	03/21/2011	Payroll	632	23458	Misc-Customer		Voided Payroll Transaction - Steven Watton
1555	03/21/2011	Payroll	632	23459	Misc-Customer		03/21/2011 To 03/21/2011 -
1556	03/21/2011	Payroll	632	23460	Misc-Customer		Voided
1557	03/21/2011	Payroll	632	23461	Misc-Customer		Voided
1558	03/21/2011	Payroll	632	23462	Misc-Customer		Voided - Voided
		001 Current Expense				56,604.64	

	Claims:	0.00
56,604.64	Payroll:	56,604.64

I, the undersigned do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or labor performed as described herein, & that the claim is a just, due and unpaid obligation against the Town of Eatonville and that I am authorized to certify to said claim.

TOWN COUNCIL MEMBERS

Robert Schaub _____

Gordon Bowman_____

Brenden Pierce_____

Bobbi Allison_____

James Valentine_____

Civil Service_____

TOWN OF EATONVILLE
REQUEST FOR QUOTATION

QUOTATION NO. 2011-004
OPENING 3:00 P.M.
DATE 18 March 2011

PLEASE QUOTE ON THE FOLLOWING:

The following project will be accomplished as a **LIMITED SMALL WORKS PROJECT** (RCW 39.04.155(3) and will be subject to prevailing wage laws. **All quotations *must be* submitted on this form.** ***This is not an order.*** **Please read all information on the instruction page before preparing quotation.**

PROJECT: Replacement of Roof at Eatonville Community Center

Work shall be completed within **10** calendar days after receipt of Notice to Proceed.

All responses to quotations must be received by **the Town of Eatonville Town Administrator** no later than 3:00 p.m. on **18 March, 2011**.

Bidding or Procurement related questions regarding this project may be addressed to Doug Beagle, Town Administrator at (360) 832-3361, ext. 105

Doug Beagle
Town Administrator/Public Works Director

DO NOT SEND BY FAX. QUOTATIONS SUBMITTED VIA FAX WILL NOT BE ACCEPTED.

To return quotation, place in an envelope with the following information on the outside of the envelope.

TOWN ADMNISTRATOR
Town of Eatonville
201 Center West Street
P O Box 309
Eatonville, WA 98328

QUOTATION
#2011-004
Opening at 3:00 p.m.
18 March 2011

QUOTATION SUBMITTED BY:

Mountain View Roofing
Company Name

PO Box 868
Street Address

EATONVILLE WA 98328
City State Zip

253-209-3708
Phone #

PROJECT SPECIFICATION/PROPOSAL

Scope of Work

This contract calls for the replacement of the roof at Eatonville Community Center. Contractor shall perform such work under the terms and conditions set forth in the Limited Small Works Contract/Public Improvements or Building Maintenance, and the Standard Specifications (refer specifically to paragraphs 2 & 17 of the Limited Small Works Contract/Public Improvements or Building Maintenance), the terms of which are incorporated herein by reference.

Contractor shall, in addition to the bid items below, clean and inspect the roof deck to ensure a smooth surface and the existence or absence of rot. If rot is found, Contractor shall notify owner prior to job continuation, and an appropriate change order will be issued in accordance with the Specifications.

The work under the contract shall be fully completed within **10** calendar days.

NOTE:
- Show prices in legible figures (not words) written in ink or typed.
- Where conflict occurs unit price shall prevail.
- Your bid will be considered irregular and will be rejected if:
  - The unit price is left blank and a price per unit cannot be determined by equally dividing into the total price so as to result in a whole number.
- Your bid shall be considered *non-responsive* and therefore, void if:
  - Figures are illegible
  - Minimum bid requirements are not met (when applicable)

Item No.	Approx. Quantity	Items with Unit Price Bid	Unit Price	Total Price
1.	1 LS	Tear off existing 1 layer of composition shingles including ridge, starter, and underlayment.	Lump Sum	$ 4300
2.	1 LS	Mobilization/Demobilization	Lump Sum	$ 2800
3.	1 LS	Supply and install Weather watch Ice & water guard to all eaves, rake (52") and valley's (36") over solid sheathed roof deck surface free of all nails and debris.	Lump Sum	$ 1806
4.	1 LS	Supply and install one layer of 15# ASTM felt over solid sheathed roof deck surface free of all nails and debris.	Lump Sum	$ 1750

5.	1 LS	Supply and Install GAF/Elk 30 yr. Timberline Natural Shadow (100 mph Ltd. Wind Warranty) laminated shingles, Pro-Start Starter, and "z" ridge. Fastened using galvanized nails.(Color to be determined)	Lump Sum	$ 11,913
6.	1 LS	Supply and install (46') new continuous ridge vent to all horizontal peeks and reuse roof to wall vent detail on lower roofs.	Lump Sum	$ 380
7.	1 LS	Supply and install pre-finished 26-gauge metal flashing to all valleys. (Gables, eaves, roof to wall flashings to be reused.	Lump Sum	$ 550
8.	1 LS	Supply and install new neoprene flashings to all standpipes. Electrical conduits (3) to be flashed using split lead flashings as needed.	Lump Sum	$ 255
9.	1 LS	Clean up and haul all work related debris away	Lump Sum	$ 2250
			Subtotal	$ 26,004.00
			Washington State Sales Tax 7.8%	$ 2028.31
			Grand Total	$ 28,032.31

The following Addenda is/are hereby acknowledged:

Addendum No.	Date of Addendum/Addenda	Signed Acknowledgement
1.		
2.		N/A
3.		

NOTE: **Failure to acknowledge receipt of Addenda will render the quotation non-responsive and therefore void. If no addenda, please mark "none".**

The undersigned hereby certifies under penalty of perjury under the laws of the State of Washington that that said person(s), firm, association or corporation has (have) not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the project for which this proposal is submitted.

The undersigned declares that before preparing their quote, they read carefully the specifications and requirements for bidders and that their quote is made with the full knowledge of the kind, quality and quantity of services and equipment to be furnished, and their said quote is as stated on these pages. **By signing this page of the quotation, the Contractor acknowledges and agrees to the terms and conditions of each of the Contract Documents.**

[signature]	3-17-2011 Eatonville
Authorized Official (Signature)	Date & City/State where signed
GEORGE B BEST	PRES.
Print Name of Authorized Official	Title of Authorized Official
Mountain View Roofing	253-209-3708
Company Name	Telephone Number
P O Box 868	EATONVILLE WA 98328
Address	City, State, Zip
MOUNTVR983DA	602-169-349
State Contractors License Number	Unified Business Identifier Number (UBI)

NOTE:

1. If the bidder is a co-partnership, so state, giving firm name under which business is transacted.
2. If the bidder is a corporation or limited liability company, this proposal must be executed by its duly authorized officials.
3. Proposals submitted must be complete and include pricing for the work to be completed, in whole, per the attached plans and specifications.
4. The Town reserves the right to adjust the scope of this work to match available funds.
5. No bidder may withdraw his/her bid after the hour set for the opening thereof, unless the award of contract is delayed for a period exceeding forty-five (45) days. If it is determined to be in the best interest of the Town, the Town reserves the right to request an extension of bid prices during the review process.

RESOLUTION 2011-M

A RESOLUTION OF THE EATONVILLE TOWN COUNCIL AUTHORIZING THE MAYOR TO SIGN AN INDEPENDENT CONTRACTOR AGREEMENT WITH ROBERT WALTER

WHEREAS, the Town is in need of assistance in the area of transporting animals to the Humane Society for Tacoma and Pierce County, and,

WHEREAS, the Town has agreed to compensate Independent Contractor for these services and other services as described in this Agreement;

Now, Therefore, the Parties hereby agree as follows:

BE IT RESOLVED by the Council of the Town of Eatonville as follows:

Section 1. The Council hereby authorizes the Mayor to sign an Independent Contractor Agreement with Robert Walter for services outlined in the attached agreement hereto to include Exhibit A.

Section 2. This agreement shall renew every year unless terminated earlier by one or both parties according to the agreement's terms.

PASSED by the Council of the Town of Eatonville at a regular meeting this 28th day of March, 2011.

_____
Ray Harper, Mayor

ATTEST:

_____
Chrystal McGlone, Town Clerk

APPROVED AS TO FORM:

_____
Patricia Buchanan, Town Attorney

INDEPENDENT CONTRACTOR AGREEMENT

This Independent Contractor Agreement (**the Agreement**) is entered into as of March 28, 2011 by and between the Town of Eatonville (**the Town**) and Independent Contractor (Robert Walter). The Town and the Independent Contractor are referred to throughout this Agreement individually each as a Party and collectively as Parties.

RECITALS

WHEREAS, the Town is in need of assistance in the area of transporting animals to the Humane Society for Tacoma and Pierce County, and,

WHEREAS, the Town has agreed to compensate Independent Contractor for these services and other services as described in this Agreement;

Now, Therefore, the Parties hereby agree as follows:

SECTION ONE--ENGAGEMENT

The Town hereby engages the Independent Contractor to render services as described in the annexed Exhibit A (collectively the **Services**). In the event of any conflict between this agreement and the annexed Exhibit A, this agreement shall control.

SECTION TW0--COMPENSATION

A. In full consideration for the performance of the Services hereunder, and for any rights granted or relinquished by the Independent Contractor under this agreement, the Town shall pay the Independent Contractor as follows:

1. Twenty-five dollars ($25.00) per trip for animal or animals transported to the Humane Society for Tacoma and Pierce County.

2. Mileage for such trips by the Independent Contractor to be compensated at the Standard rate set by the Internal Revenue Service.

3. Six Hundred Dollars and No Cents ($600.00) annually to be paid at the rate of fifty dollars ($50.00) per month for the Independent Contractors work related to maintenance and cleaning the Town's kennels to the extent that the Town is holding animals in the kennels to be claimed by owners.

4. Fifteen dollars ($15.00) a day for the care and feeding of the animals being held at the kennels for pick-up by their owners.

B. All payments shall be preceded by an invoice from the Independent Contractor to be submitted monthly, which the Town shall pay in the ordinary course.
C. Independent Contractor acknowledges and agrees that, except as provided under this Section Two (2), Independent Contractor shall not be entitled to, and the Town shall Not be obligated to pay any monies or other compensation for the services provided and rights granted under this agreement.

SECTION THREE—INDEPENDENT CONTRACTOR RELATIONSHIP

A. The Independent Contractor agrees to perform the Services hereunder solely as an Independent Contractor. The Parties to this Agreement recognize that this agreement does not create any actual or apparent agency, partnership, franchise, or relationship of employer and employee between the Parties.

B. The Independent Contractor shall not be entitled to participate in any of the Town's Benefits including without limitation any health or retirement plans. The Independent Contractor shall not be entitled to any remuneration, benefits, or expenses other than as specifically provided for in this agreement.

C. The Town shall not be liable for taxes, workers compensation, industrial insurance, unemployment insurance, employer's liability, employers FICA, social security, withholding tax, or other taxes or withholding for or on behalf of the Independent Contractor in performing Services under this agreement. All such costs shall be the exclusive responsibility of the Independent Contractor.

SECTION FOUR—WARRANTIES AND INDEMNIFICATION

A. The Independent Contractor represents and warrants that:

1. The services shall be performed in accordance with, and shall not violate applicable laws, rules or regulations. The Independent Contractor shall obtain all permits or permissions required to comply with such laws, rules or regulations.

2. The Independent Contractor will perform the services in accordance with the standards and specifications established by the Town.

B. The Independent Contractor hereby indemnifies and agrees to hold harmless the Town, its officers and employees from any damages, claims, liabilities and costs including reasonable attorneys' fees or losses of any kind or nature whatsoever which may in any way arise from the services performed by the Independent Contractor hereunder including the warranties set forth herein. Independent Contractor agrees to provide its own insurance for services performed under this agreement in the amount of one million dollars ($1,000,000.00) with the Town being named the co-insured of the one million dollar ($1,000,000.00) insurance

policy and expressly recognizes that the Town's insurance will not cover Independent Contractor for such services.

SECTION FIVE—TERM AND TERMINATION

A. The term of this agreement shall commence on the date hereof and shall continue Until such time as this agreement is terminated by any of the following provisions.

B. This agreement may be terminated:

1. by either party upon fifteen (15) days prior written notice if the other Party breaches or is in default of any obligation hereunder and such default has not been cured within such fifteen (15) day period; or

2. by the Town at any time during the term for any reason upon ten (10) days written notice.

SECTION SIX—DAMAGES AND REMEDIES

A. In the event of termination of the agreement by the Town pursuant to Section 5.B(1) the Town shall have all remedies available to it at law and in equity.

B. In the event of termination pursuant to Section 5B(2) and provided that the Independent Contractor is not in material breach of its obligations hereunder the Independent Contractor shall be entitled to keep all monies already paid pursuant to Section 2 and the Town's sole obligation will be to pay the Independent Contractor the amount due for services already acceptably performed and materials already accepted, pro rata. In no event shall the Town be liable for any lost profits or consequential, incidental or special damages.

SECTION SEVEN--GENERAL TERMS

MISCELLANEOUS

A. Assignment. The Town may freely assign this agreement, in whole or in part. Except as expressly permitted by this agreement, the Independent Contractor shall not assign, delegate, or otherwise transfer any of its rights or obligations under this agreement without the prior written consent of the Town. Subject to the foregoing, this agreement will be binding upon and inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors and assigns.

B. No Waiver. The failure of any party to insist upon the strict observance and performance of the terms of this agreement shall not be deemed a waiver of other obligations hereunder, nor shall it be considered a future or continuing waiver of the same terms.

C. Notices. Any notice required or permitted by this agreement shall be in writing and shall be in writing and delivered as follows with notice deemed given as indicated (1) by personal delivery when delivered personally; (2) by overnight courier upon written verification of receipt; (3) by facsimile transmission upon acknowledgement of receipt of electronic transmission, or (4) by certified or registered mail, return receipt requested upon verification of receipt. Notice shall be sent to the addresses set forth on the signature page of this agreement or such other address as either party may specify in writing.

D. Governing Law. This agreement shall be governed in all respects by Washington law without regard to conflicts of law principles thereof.

E. Severability. Should any provisions of this agreement be held by a court of law to be Illegal, invalid or unenforceable, the legality, validity and enforceability of the remaining provisions of this agreement shall not be affected or impaired thereby.

F. Entire Agreement. This agreement constitutes the entire agreement between the parties relating to this subject matter and supersedes all prior or contemporaneous oral or written agreements concerning such subject matter. The terms of this agreement will govern all services undertaken by the Independent Contractor for the Town.

G. Amendments. This agreement may only be amended, modified or changed by an agreement signed by the Town and the Independent Contractor. The terms contained herein may not be altered, supplemented or interpreted by an course of dealing or practices.

H. Counterparts. This agreement may be executed in counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date First written above.

TOWN OF EATONVILLE

By: _____
Raymond Harper
Mayor

INDEPENDENT CONTRACTOR

By: _____
Robert Walter
140 Antonie Eatonville, Washington 98328

EXHIBIT A—INDEPENDENT CONTRACTOR SERVICES

Town engages Independent Contractor to perform the following services:

1. Independent Contractor will transport animals to the Humane Society for Tacoma and Pierce County from the Towns kennels. Independent Contractor will only do so when requested to transport an animal by the Town. As provided for in the agreement the Town will compensate Independent Contractor Twenty five Dollars ($25.00) for each trip the Independent Contractor makes to the Humane Society for Tacoma and at the Town's request. Town will also compensate Independent Contractor for mileage incurred in the performance of these services at the standard rate set by the Internal Revenue Service..

2. Independent Contractor will only be allowed into the Town's kennels from 7:30 a.m. through 4:30 p.m. Monday through Friday. These hours may be altered by the Mayor when circumstances warrant such change.

3. Independent Contractor will care for and feed the animals being held in the kennels so long as the Town is holding animals in the kennels for pick up by their respective owners as provided for in the agreement. The Town will compensate Independent Contractor at a rate of fifteen dollars ($15.00) per day for such services.

RESOLUTION 2011-H

A RESOLUTION SETTING THE RATES FOR REFUSE COLLECTION AND RECYCLING COLLECTION IN THE TOWN OF EATONVILLE AND REPEALING RESOLUTIONS 2007-N, 2008-R, 2010-O AND 2010-KK

WHEREAS, the Town of Eatonville contracts services with the Harold Lemay Company, A Waste Connections Company and the rates charged to the Town have been changed; and,

WHEREAS, the garbage rates charged to Town customers must pay the full cost of all services provided including administrative fees; and,

WHEREAS, the attached rate study (Exhibit A) shows that the Town will not be able to cover its expenses in the absence of a rate increase; and,

WHEREAS, the Harold Lemay Company, A Waste Connections Company has provided the town with new pricing information related to commercial recycling which is attached as Exhibit B; and,

WHEREAS, United States Code Title 49, 14501 prohibits the town from setting commercial recycling rates including school recycling rates requiring the Council to authorize the pass through of these costs; and,

WHEREAS, the Harold Lemay Company, A Waste Connections Company charges the town for mileage for compaction pick up; and,

WHEREAS, the Eatonville Town Council wishes to pass these mileage costs along to those customers who have compaction service; and,

WHEREAS, the rates proposed herein are projected to cover the Town's expenses for administering a refuse utility; and,

WHEREAS, the rates proposed herein reflect a reduction in the total administrative fee transfer from refuse to the general fund to reflect current levels of administrative time spent in the refuse utility and will require a subsequent budget amendment; and,

WHEREAS, this resolution establishes an annual consumer price index adjustment which will assist in the budgeting process, but may not always be sufficient to cover the actual disposal cost increases passed along by the Harold Lemay Company, A Waste Connections Company, and the rates established herein may require intermittent review and adjustment.

NOW, THEREFORE;

BE IT RESOLVED by the Council of the Town of Eatonville:

Section 1. Resolutions 2007-N, 2008-R, 2010-O, and 2010-KK are hereby repealed.

Section 2. Refuse rates are hereby set as follows:

Type of Service	Rate with Recycling
1 SPECIAL 35 gallon micro monthly (Only for Senior Citizens and Avid Recyclers)	9.92
1 65 gallon can mini monthly	16.35
1 65 gallon can every other week	22.11
1 65 gallon can weekly	35.06
1 95 gallon can weekly	46.82
1 95 gallon every other week	26.71
1 yard	112.49

1 yard (twice per week)	218.62
1-1/2 yard	162.84
1-1/2 yard (twice per week)	310.81
2 yard	198.80
2 yard (twice per week)	410.41
Extra bags	5.00
Compacted pickup fee	215.10
Per ton fee	160.69

Section 3. Town staff is hereby directed to pass through all commercial (and school) recycling costs to those customers based on the rates as established by the Harold Lemay Company, A Waste Connections Company, as shown on Exhibit B.

Section 4. Town staff is hereby directed to pass through all garbage compaction mileage charges to those customers receiving compaction service based on the rates as established by the Harold Lemay Company, A Waste Connections Company.

Section 5. The rates described herein shall be adjusted from the 2011 rates on January 1, 2012, by an amount equal to ninety percent (90%) of the adjustment in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) Greater Seattle Metropolitan Index as measured by averaging the April adjustments for the previous five (5) years, with the resulting rate rounded up or down to the nearest ten cents ($0.10). Rates shall be adjusted annually thereafter on January 1 each year, on the same basis.

Section 6. This resolution shall be effective May 1, 2011.

PASSED by the Council of the Town of Eatonville at a regular meeting held this 28th Day of February 2011.

ATTEST:

Raymond Harper, Mayor

Chrystal McGlone, Town Clerk

APPROVED AS TO FORM:

Patricia Buchanan, Town Attorney

COMMERCIAL RECYCLING RATES		Exhibit B	
MIXED RECYCLING MONTHLY RATES			
65 GAL CO-MINGLED OUTSIDE WKLY		$15.62	Weekly pick up
65 GAL CO-MINGLED INSIDE WKLY		$17.62	
65 GAL CO-MINGLED EOW OUTSIDE		$10.94	Every other week pick up
65 GAL CO-MINGLED EOW INSIDE		$12.94	
65 GAL CO-MINGLED MONTHLY OUTSIDE		$7.33	Monthly pick up
65 GAL CO-MINGLED MONTHLY INSIDE		$9.33	
96 GAL CO-MINGLED OUTSIDE WKLY		$19.66	Weekly pick up
96 GAL CO-MINGLED INSIDE WKLY		$21.66	
96 GAL CO-MINGLED OUTSIDE EOW		$13.49	Every other week pick up
96 GAL CO-MINGLED INSIDE EOW		$15.49	
96 GAL CO-MINGLED OUTSIDE MONTHLY		$9.19	Monthly pick up
96 GAL CO-MINGLED INSIDE MONTHLY		$11.19	
MIXED RECYCLING MONTHLY RATES			
2YD CO-MINGLED OUTSIDE	1 weekly pick up	$85.30	
	2 weekly pick up	$106.63	
	Special pick up	$21.33	
MIXED RECYCLING MONTHLY RATES			
6YD CO-MINGLED OUTSIDE	1 weekly pick up	$207.07	
	2 weekly pick up	$258.84	
	Special pick up	$51.77	
CARD BOARD ONLY MONTHLY RATES			
2YD OCC OUTSIDE		$52.00	
2YD OCC OUTSIDE 2X WEEKLY		$52.00	
2YD OCC OUTSIDE 3X WEEKLY		$102.50	
2YD OCC OUTSIDE 4X WEEKLY		$102.50	
2YD OCC OUTSIDE 5X WEEKLY		$154.50	
CARD BOARD ONLY			
5YD OCC OUTSIDE		$52.00	
5YD OCC OUTSIDE 2X WEEKLY		$52.00	
5YD OCC OUTSIDE 3X WEEKLY		$102.50	
5YD OCC OUTSIDE 4X WEEKLY		$102.50	
5YD OCC OUTSIDE 5X WEEKLY		$154.50	
Chain Deposit	$10.00	Refundable	
LOCK CHARGE DEPOSIT	$10.00	Refundable	
TOTER RENT ANY SIZE PER MONTH	$1.25		FOR OTHER USES
DESK SIDE BINS PER MONTH EACH	$ 0.20		

SCHOOL RECYCLING RATES	Exhibit B		Schools Rates
MIXED RECYCLING MONTHLY RATES			
65 GAL CO-MINGLED OUTSIDE WKLY	Weekly pick up		$14.06
65 GAL CO-MINGLED INSIDE WKLY	Weekly pick up		$15.86
65 GAL CO-MINGLED EOW OUTSIDE	Every other week pick up		$9.85
65 GAL CO-MINGLED EOW INSIDE	Every other week pick up		$11.65
65 GAL CO-MINGLED MONTHLY OUTSIDE		Monthly Pick Up	$6.60
65 GAL CO-MINGLED MONTHLY INSIDE		Monthly Pick Up	$8.40
96 GAL CO-MINGLED OUTSIDE WKLY	Weekly Pick up		$17.69
96 GAL CO-MINGLED INSIDE WKLY	Weekly Pick up		$19.49
96 GAL CO-MINGLED OUTSIDE EOW	Every other week pick up		$12.14
96 GAL CO-MINGLED INSIDE EOW	Every other week pick up		$13.94
96 GAL CO-MINGLED OUTSIDE MONTHLY		Monthly pick up	$8.27
96 GAL CO-MINGLED INSIDE MONTHLY		Monthly pick up	$10.07
MIXED RECYCLING MONTHLY RATES			
2YD CO-MINGLED OUTSIDE	1 Weekly pick up		$76.77
	2 weekly pick up		$95.97
	Special pick up		$19.20
MIXED RECYCLING MONTHLY RATES			
6YD CO-MINGLED OUTSIDE	Weekly pick up		$186.36
	2 weekly pick up		$232.95
	Special pick up		$46.59
Card Board Only Monthly Rates			
2YD OCC OUTSIDE			$46.80
2YD OCC OUTSIDE 2X WEEKLY			$46.80
2YD OCC OUTSIDE 3X WEEKLY			$92.25
2YD OCC OUTSIDE 4X WEEKLY			$92.25
2YD OCC OUTSIDE 5X WEEKLY			$139.05
5YD OCC OUTSIDE			$46.80
5YD OCC OUTSIDE 2X WEEKLY			$46.80
5YD OCC OUTSIDE 3X WEEKLY			$92.25
5YD OCC OUTSIDE 4X WEEKLY			$92.25
5YD OCC OUTSIDE 5X WEEKLY			$139.05

CHAIN DEPOSIT	$10.00	Refundable
LOCK CHARGE DEPOSIT	$10.00	Refundable
TOTER RENT ANY SIZE PER MONTH	$1.25	FOR OTHER USES
DESK SIDE BINS PER MONTH EACH	$ 0.20	

Refuse Rate Study - Exhibit A

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
	Type	Total Number of Customers or Compaction Pick-ups	New March 1 Rate Paid by Town to Lemay	Current Rate Paid By Town to Lemay	Lemay Rate Increase Percentage to Town	Current Customer Rate	Proposed Customer Rate	Months	Customer Rate Percentage Increase	Lemay Discount	AnnualExpenditure (to Lemay) Based on New March 1 Rates	Projected Revenue based on current rates	Projected Revenue based on rate increase	
1	Special 35 Gallon Micro Monthly	37	$8.60	$8.24	104%	$9.50	$9.92	12	104%	0.93	$3,551.11	$4,218.00	$4,402.28	
2	65 Gallon Can Monthly Mini	44	$14.19	$13.71	104%	$15.80	$16.35	12	104%	0.93	$6,967.86	$8,342.40	$8,634.48	
3	65 Gallon Can Every Other Week	518	$17.96	$17.38	103%	$21.40	$22.11	12	103%	0.93	$103,824.60	$133,022.40	$137,461.58	
4	65 Gallon Can Weekly	219	$25.20	$24.08	105%	$33.50	$35.06	12	105%	0.93	$61,589.81	$88,038.00	$92,132.79	
5	95 Gallon Can Weekly	17	$33.59	$32.00	105%	$44.60	$46.82	12	105%	0.93	$6,372.69	$9,098.40	$9,550.48	
6	95 Gallon Every Other Week	4	$21.18	$20.36	104%	$25.70	$26.71	12	104%	0.93	$944.58	$1,233.60	$1,282.07	
7	1 Yard	34	$83.52	$79.37	105%	$106.90	$112.48	12	105%	0.93	$31,592.83	$43,615.20	$45,895.70	
8	1 Yard Twice Per Week	2	$161.47	$153.18	105%	$207.40	$218.62	12	105%	0.93	$3,604.01	$4,977.60	$5,245.98	
9	1 and 1/2 Yard	8	$114.19	$108.27	105%	$154.40	$162.84	12	105%	0.93	$10,194.88	$14,822.40	$15,632.66	
10	1 and 1/2 Yard Twice Per Week	2	$218.59	$208.77	105%	$294.00	$310.81	12	106%	0.93	$4,876.93	$7,056.00	$7,459.36	
11	2 Yard	5	$147.63	$139.97	105%	$198.80	$209.68	12	105%	0.93	$8,237.75	$11,928.00	$12,580.77	
12	2 Yard Twice Per Week	11	$283.04	$267.72	106%	$388.20	$410.41	12	106%	0.93	$34,745.99	$51,242.40	$54,174.69	
13	Extra Bags	100	$4.72	$4.53	104%	$5.00	$5.00	NA	100%	0.93	$438.96	$500.00	$500.00	*$500 as included in 2011 Budget
14	Compacted Pickup Fee (Average 18 trips per year)	18.00	$165.00	$165.00	100%	$215.10	$215.10	NA	100%	0.93	$2,762.10	$3,871.80	$3,871.80	*This rate has not been adjusted by Lemay
15	Compaction Mileage (subject to change)	18.00	$11.25	$11.25	100%	$11.25	$11.25	NA	100%	NA	$202.50	$202.50	$202.50	*No mark up and no 7% discount
16	Compaction per ton fee	18.00	$123.29	$112.94	109%	$147.20	$160.69	NA	109%	NA	$13,426.28	$16,030.08	$17,499.10	*Based on 1 Year Average Tonnage per pick-up of 5.05 tons -No 7% discount
17	Totals										$293,432.90	$398,198.78	$416,527.44	
18											Includes 7% discount on all non pass through services			
19														
20														

	Projected 2012 Admin Costs	Percentage of Time	Salary and Benifits	Administrative Fees	
22	Administrator	7.00%	$103,993.40	$7,279.54	
23	Town Clerk	22.00%	$94,936.00	$20,886.36	
24	Deputy Clerk	15.00%	$78,217.04	$11,732.56	
25	Utility Clerk	30.00%	$62,783.44	$18,835.03	
26	Administrative Assistant	20.00%	$62,783.54	$12,556.71	
27	Town Planner	8.00%	$90,743.44	$7,259.48	
28	Building Official	1.00%	$80,462.28	$804.62	
29	Planning Assistant	3.00%	$76,676.28	$2,300.29	
30	Total	1.06 Persons		$81,654.58	Total 2011 Budget $93,000 - To Require a Budget Amendment
31					

	Operating Expenses			Expenditure	
33	Operating Supplies			$500.00	Based on 2011 Budget
34	Professional Services			$500.00	Based on 2011 Budget
35	Communications			$3,000.00	Based on 2011 Budget
36	Advertising			$0.00	Based on 2011 Budget
37	Insurance			$3,000.00	Based on 2011 Budget
38	Refuse Repairs and Maintenance			$0.00	Based on 2011 Budget
39	Refuse Utilityy Tax			$18,000.00	Based on 2011 Budget
40	Refuse Excise Tax			$0.00	Based on 2011 Budget
41	Refuse Capital Expenditures			$0.00	Based on 2011 Budget
42	Refuse Capital BIAS			$0.00	Based on 2011 Budget
43				$25,000.00	
44					
45	Total Administrative Fees and Operations Expenditures			$106,654.58	
46					
47	Total Revenue from Commercial and School Recycling resulting from 7% discount	$15,832.56	7%	$1,108.28	
48					
49					
50	Projected Annual Surplus With New Rate Increase			$17,548.25	
51	Prorated for 2011 Effective Date May 1			$11,698.83	

Projected Current Annual Surplus Without Rate Increase		-$780.42