

CHAPTER 7.30

FIREWORKS

SECTIONS:

7.30.010	Applicability
7.30.020	Fireworks - Dates and Times Allowed to be Sold and Discharged
7.30.030	Fireworks - Discharge - Additional Rules and Regulations
7.30.040	Manufacture, Import, Possession, Sale or Transport of Fireworks - Permit Application - Permit Nontransferable
7.30.050	-----Permit Fee
7.30.060	Retail Sales - Additional Rules and Regulations
7.30.070	REPEALED--ORD. 404--EFFECTIVE 10/04/04
7.30.080	Public Display - Permit Application - Permit Nontransferable
7.30.090	Public Display - Permit Fee
7.30.100	Public Display - Rules and Regulations
7.30.110	REPEALED--ORD. 404--EFFECTIVE 10/04/04
7.30.120	REPEALED--ORD. 404--EFFECTIVE 10/04/04
7.30.130	REPEALED--ORD. 404--EFFECTIVE 10/04/04
7.30.140	Certain Fireworks Prohibited
7.30.145	Fireworks Use Prohibited During Period of Extreme Fire Danger
7.30.150	Minimum Age
7.30.155	Penalty
7.30.156	Violation
7.30.160	Effective Date

7.30.010 APPLICABILITY. This chapter shall apply to the manufacture, importing, transporting, sale at wholesale and retail,

possession, discharge, and public display of fireworks, as defined by RCW 70.77.126, within the unincorporated areas of Benton County. [Ord. 226 (1989) § 1; Ord. 404 (2004) § 5]

7.30.020 FIREWORKS - DATES AND TIMES ALLOWED TO BE SOLD AND DISCHARGED. (Effective until June 24, 2026.) Except as otherwise set forth in this chapter, consumer fireworks, as defined in RCW 70.77.136, may be sold, purchased, and discharged on the dates and times authorized by RCW 70.77.395(1) and RCW 70.77.395(2); provided, that BCC 7.30.020 does not eliminate the need for any permit required by Chapter 7.30 BCC or Chapter 70.77 RCW. [Ord. 226 (1989) § 2; Ord. 270 (1995) § 1; Ord. 404 (2004) § 6; Ord. 641 (2022) § 1]

7.30.020 FIREWORKS - DATES AND TIMES ALLOWED TO BE SOLD AND DISCHARGED. (Effective June 24, 2026.) Except as otherwise set forth in this chapter, consumer fireworks, as defined in RCW 70.77.136, may be sold, purchased, and discharged on the following dates and times:

(a) It is legal to sell and purchase consumer fireworks within unincorporated Benton County from twelve o'clock noon to eleven o'clock p.m. on the twenty-eighth of June, from nine o'clock a.m. to eleven o'clock p.m. on each day from the twenty-ninth of June through the fourth of July, from twelve o'clock noon to eleven o'clock p.m. on each day from the twenty-seventh of December through the thirty-first of December of each year, and as provided in RCW 70.77.311 .

(b) Consumer fireworks may be used or discharged each day between the hours of twelve o'clock noon and twelve o'clock p.m. midnight on July 3rd, and on July 4th, and from six o'clock p.m. on December 31st until one o'clock a.m. on January 1st of the subsequent year, and as provided in RCW 70.77.311.

(c) BCC 7.30.020 does not eliminate the need for any permit required by Chapter 7.30 BCC or Chapter 70.77 RCW.

[Ord. 226 (1989) § 2; Ord. 270 (1995) § 1; Ord. 404 (2004) § 6; Ord. 641 (2022) § 1; Ord. 661 (2025) § 1]

7.30.030 FIREWORKS - DISCHARGE - ADDITIONAL RULES AND REGULATIONS. (a) It is unlawful to use, fire, or discharge any fireworks along the route of and during any parade or at any place of public assembly or in any commercial use district.

(b) It is unlawful at any time to throw or toss any fireworks at any person, animal, vehicle, or other thing or object.

(c) All other rules and regulations of the Chief of the Washington

[NOTE: This chapter is continued on the following page.]

State Patrol, through the Director of Fire Protection relating to the discharge of fireworks, Chapter 70.77 RCW - State Fireworks Law, including, but not limited to rules and regulations adopted pursuant to Chapter 70.77 RCW, shall be followed.

[Ord. 226 (1989) § 3; Ord. 404 (2004) § 7]

7.30.040 MANUFACTURE, IMPORT, POSSESSION, SALE OR TRANSPORT OF FIREWORKS - PERMIT APPLICATION - PERMIT NONTRANSFERABLE. (a) The Benton County Fire Marshal shall be responsible for the issuance of permits required under RCW 70.77.260(1) and RCW 70.77.270.

(b) Applications under BCC 7.30.040 shall include the applicable permit application fees, a copy of all required state license(s), site drawings depicting permanent and temporary structures and other material features on the site, storage sites and arrangements, the name, address, and telephone number of each applicant and any other responsible party, and any other information deemed relevant by the Benton County Fire Marshal for the processing of the application.

(c) The application for permit for retail sale of fireworks under BCC 7.30.040 shall be accompanied by a letter from the person legally responsible for the property on which such sale is to take place. Such letter shall grant permission to the applicant for the use of said property.

(d) Permits shall be issued under BCC 7.30.040 upon a showing that the applicant's proposal satisfies the standards under Chapter 70.77 RCW and all applicable Benton County ordinances, including but not limited to zoning, health and building safety standards, and fire safety requirements.

(e) For applications meeting the necessary criteria, permits will be issued within the time period specified by RCW 70.77.270(1).

(f) Any permit granted hereunder shall be nontransferable.
[Ord. 226 (1989) § 4; Ord. 404 (2004) § 8]

7.30.050 MANUFACTURE, IMPORT, POSSESSION, SALE OR TRANSPORT OF FIREWORKS - PERMIT FEE. The fee for a permit under BCC 7.30.040 shall be one hundred dollars (\$100.00); provided pursuant to RCW 70.77.311(2) there is no permit fee for applications by religious organizations or private organizations or persons for any permit required to purchase or use consumer fireworks.
[Ord. 226 (1989) § 5; Ord. 404 (2004) § 9]

7.30.060 RETAIL SALES - ADDITIONAL RULES AND REGULATIONS. The sale of fireworks within the unincorporated areas of Benton County shall be in accordance with the Washington State Fireworks Law, Chapter 70.77 RCW and the Washington State Administrative Code, Chapter 212-17.
[Ord. 226 (1989) § 6; Ord. 404 (2004) § 10]

7.30.070 RETAIL SALES - FIREWORKS LIST TO BE POSTED. Notwithstanding RCW 70.77.575 and RCW 70.77.580, every retailer in the unincorporated areas of Benton County is required to post prominently at each retail outlet, a list of the fireworks that may be sold to the public under this chapter. The list is subject to approval by the Benton County Fire Marshal and shall be submitted to the Fire Marshal no later than May 31 of each year.
[Ord. 226 (1989) § 7]

7.30.080 PUBLIC DISPLAY - PERMIT APPLICATION - PERMIT NONTRANSFERABLE. (a) No public display of fireworks as now defined or hereafter amended in RCW 70.77.160, within the

unincorporated areas of Benton County shall be made without a valid public display permit issued by Benton County.

(b) Application under BCC 7.30.080 shall be submitted to the Benton County Fire Marshal with all information required by state law and any other information deemed necessary for the evaluation of the application. The application shall be submitted at least ten (10) days in advance of the display, and the Benton County Fire Marshal shall perform the investigation described in RCW 70.77.280, WAC 212-17-275 and determine whether required bond or insurance for liability has been procured. The Fire Marshal shall promptly submit a report of findings and recommendation, together with reasons for or against issuance of the permit.

(c) The Benton County Board of Commissioners shall grant permits under BCC 7.30.080, with reasonable conditions if needed, if the application and proposed display meet all requirements of state law and the discharge, failure to fire, faulty firing, and fallout of any fireworks in the display will not endanger persons, buildings, structures, forests, brush, or other grass-covered land.

(d) Any permit granted hereunder shall be nontransferable.
[Ord. 226 (1989) § 8; Ord. 404 (2004) § 11]

7.30.090 PUBLIC DISPLAY - PERMIT FEE. The fee for a permit for public display of fireworks shall be one hundred dollars (\$100.00).
[Ord. 226 (1989) § 9; Ord. 404 (2004) § 12]

7.30.100 PUBLIC DISPLAY - RULES AND REGULATIONS. The public display shall be of such character, and so located, discharged or fired that in the opinion of the Fire Marshal, it shall be deemed

not hazardous to property or endanger any person. All conditions set forth in the permit and state license shall be complied with, including but not limited to those pertaining to adequate fire protection for the display and level of fire protection and crowd control necessary.

[Ord. 226 (1989) § 10; Ord. 404 (2004) § 13]

7.30.120 SPECIAL PERMITTED USES - PERMIT REQUIRED. No person may sell, use, or possess in the unincorporated areas of Benton County any of the following except with a permit and in the manner provided by law:

(a) "Special Fireworks" as defined in RCW 70.77.131 and WAC 212-17-040.

(b) "Agricultural and wildlife fireworks" as defined in RCW 70.77.141 and WAC 212-17-045.

(c) "Special effects" as defined in RCW 70.77.146.
[Ord. 226 (1989) § 12]

7.30.130 PROHIBITED USES. The manufacture of fireworks is prohibited within unincorporated areas of Benton County except as provided in Title 11 BCC.

[Ord. 226 (1989) § 13]

7.30.140 FIREWORKS PROHIBITED. (Effective until March 8, 2023.) No person may sell, use, or possess in the unincorporated areas of Benton County under any circumstances any of the following fireworks:

(a) Helicopter or Aerial Spinner - 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) Mine or 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.

(c) Sky Rocket - Tube not exceeding 1/2 inch (12.5 mm) inside diameter that may contain up to 20 grams of pyrotechnic composition. Sky rockets contain a wooden stick for guidance and stability and rise into the air upon ignition. A burst of color or noise or both is produced at the height of flight.

(d) Missile-type Rocket - Devise similar to a sky rocket in size, composition, and effect, that uses fins rather than a stick for guidance and stability.

(e) Firecracker or Salute - Small paper-wrapped or cardboard tube, the external dimensions of which do not exceed 1-1/2 inches in length or 3 inch in diameter containing not more than 50 mg of pyrotechnic composition. Upon ignition, noise and a flash of light are produced.

(f) Chaser - Small paper or cardboard tube that travels along the ground upon ignition. A whistling effect, or other noise, is often produced. The explosive composition used to create the noise may not exceed 50 mg.

(g) 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.

(h) Roman Candle - 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.

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

(j) Jumping Jacks - A small tube containing pyrotechnic composition that upon ignition, the tube will bounce around and produce a flash.

(k) Combination Items - Fireworks devices containing combination of two or more of the effects described in WAC 212-17-198.

(l) Any fireworks devices which do not satisfy all the chemical content and construction requirements of WAC 212-17-050.

(m) Any fireworks larger, in terms of size or amount of pyrotechnic composition, than specified in BCC 7.30.140.
[Ord. 226 (1989) § 14; Ord. 404 (2004) § 14]

7.30.140 CERTAIN FIREWORKS PROHIBITED. (Effective March 8, 2023.) No person may sell, use, or possess in the unincorporated areas of Benton County under any circumstances any of the following fireworks:

(a) Helicopter or Aerial Spinner - 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) Mine or 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.

(c) Sky Rocket - Tube not exceeding 1/2 inch (12.5 mm) inside diameter that may contain up to 20 grams of pyrotechnic composition. Sky rockets contain a wooden stick for guidance and stability and rise into the air upon ignition. A burst of color or noise or both is produced at the height of flight.

(d) Missile-type Rocket - Devise similar to a sky rocket in size, composition, and effect, that uses fins rather than a stick for guidance and stability.

(e) Firecracker or Salute - Small paper-wrapped or cardboard tube, the external dimensions of which do not exceed 1-1/2 inches in length or 3 inch in diameter containing not more than 50 mg of pyrotechnic composition. Upon ignition, noise and a flash of light are produced.

(f) Chaser - Small paper or cardboard tube that travels along the ground upon ignition. A whistling effect, or other noise, is often produced. The explosive composition used to create the noise may not exceed 50 mg.

(g) 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.

(h) Roman Candle - 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.

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

(j) Jumping Jacks - A small tube containing pyrotechnic composition that upon ignition, the tube will bounce around and produce a flash.

(k) Combination Items - Fireworks devices containing combination of two or more of the effects described in WAC 212-17-198.

(l) Any fireworks devices which do not satisfy all the chemical content and construction requirements of WAC 212-17-050.

(m) Any fireworks larger, in terms of size or amount of pyrotechnic composition, than specified in BCC 7.30.140.
[Ord. 226 (1989) § 14; Ord. 404 (2004) § 14; Ord. 641 (2022) § 2]

7.30.145 FIREWORKS USE PROHIBITED DURING PERIOD OF EXTREME FIRE DANGER. (Effective until June 24, 2026.) (a) Effective June 28, 2023 and each year thereafter, the discharge of all fireworks, regardless of type, is prohibited between June 28th and July 5th of any year that the Energy Release Value for the Southeast Washington Region is determined by the Department of Natural Resources or any other agency of the State of Washington to be valued at 17 or higher at any time on or after June 19th in a particular year and the Benton County Fire Marshal subsequently publishes notice of a Fire Danger Classification of Extreme on the Benton County Website.
[Ord. 641 (2022) § 3]

7.30.145 FIREWORKS USE PROHIBITED DURING PERIOD OF EXTREME FIRE DANGER. (Effective June 24, 2026.) (a) Effective June 24, 2026 and each year thereafter, the discharge of all fireworks,

regardless of type, is prohibited during any time period of any year that the Energy Release Value for the Southeast Washington Region is determined by the Department of Natural Resources or any other agency of the State of Washington to be valued at 17 or higher and the Benton County Fire Marshal subsequently publishes notice of a Fire Danger Classification of Extreme on the Benton County Website.

[Ord. 641 (2022) § 3; Ord. 661 (2025) § 2]

7.30.150 MINIMUM AGE. It shall be unlawful for a parent, guardian or other person responsible for a child under the age of 16 to allow that child to possess, use, discharge or transport any legally acquired fireworks except under the immediate supervision of an adult (18 years old or older).

[Ord. 226 (1989) § 15; Ord. 404 (2004) § 15]

7.30.155 PENALTY. Except as otherwise provided in Chapter 70.77 RCW, the State Fireworks law, any person violating the provisions of Chapter 7.30 BCC is guilty of a misdemeanor and shall be punished by a fine in an amount fixed by the court of not more than one thousand dollars (\$1,000.00).

[Ord. 227 (1989) § 1; Ord. 404 (2004) § 16]

7.30.156 VIOLATION. Violation of any section of this chapter constitutes a separate, continuing offense: A person is guilty of a separate offense for each day during which he commits, continues or permits to occur on his property, a county-owned property, or a county right-of way a violation of any provision of this chapter. In addition to any penalty that may be imposed by this chapter, or as otherwise provided in Chapter 70.77 RCW, each violation shall result in a \$500 civil infraction for the first offense, a \$1,000 civil infraction for the second offense, and a \$2,000 civil infraction for the third offense.

[Ord. 227 (1989) § 2; Ord. 661 (2025) § 3]

7.30.160 EFFECTIVE DATE. This chapter shall take effect and be in full force upon its passage and adoption.
[Ord. 226 (1989) § 17; Ord. 404 (2004) § 18