

CHEHALIS CITY COUNCIL AGENDA
 CITY HALL
 350 N MARKET BLVD | CHEHALIS, WA 98532

Anthony E. Ketchum, Sr.
 Mayor

Jerry Lord, District 1
 Daryl J. Lund, District 2
 Dr. Isaac S. Pope, District 4

Robert J. Spahr, Mayor Pro Tem, Position at Large No. 3
 Kevin Carns, Position at Large No. 2
 Kate McDougall, Position at Large No. 1

Regular Meeting of Monday, August 22, 2022
5:00 pm

To access this meeting via Zoom:

Meeting ID: 834 4212 6653

Pass Code: 674890

1. Call to Order (Mayor Ketchum)
2. Pledge of Allegiance (Mayor Ketchum)
3. Approval of Agenda (Mayor Ketchum)

PRESENTATIONS

4. Twin Transit Update (Joe Clark)

CONSENT CALENDAR

	ADMINISTRATION RECOMMENDATION	PAGE
5. <u>Minutes of the Regular Meeting August 8, 2022</u> (City Clerk)	APPROVE	
6. <u>Minutes of the Special Meeting August 11, 2022</u> (City Clerk)	APPROVE	
7. <u>Minutes of the Special Meeting August 15, 2022</u> (City Clerk)	APPROVE	
8. <u>Vouchers and Transfers-Accounts Payable in the Amount of \$847,110.31</u> (Finance Director)	APPROVE	
9. <u>Acceptance as Complete: West Main Street Grind and Overlay</u> (Public Works Director)	APPROVE	

CITIZENS BUSINESS (PUBLIC COMMENT)

Individuals wishing to provide public comments in general and on agenda items should submit comments by 4:00 pm on the day of the meeting. All comments received will be acknowledged by the Mayor under Citizens Business of this meeting agenda. Please use the following form to submit comments – <https://www.ci.chehalis.wa.us/contact>. If you do not have computer access or would prefer to submit a comment verbally, please contact City Clerk Kassi Mackie at 360-345-1042 or at kmackie@ci.chehalis.wa.us. Public comments will be limited to five (5) minutes.

NEW BUSINESS	ADMINISTRATION RECOMMENDATION	PAGE
10. Fireworks - Discussion on Potential Changes to the Rules on the Sale and Discharge of Fireworks (City Manager, Fire Chief)	PROVIDE DIRECTION TO STAFF	

ADMINISTRATION AND CITY COUNCIL REPORTS	ADMINISTRATION RECOMMENDATION	PAGE
11. <u>Administration Reports</u> a. City Manager Update (City Manager)	INFORMATION ONLY	---
12. <u>Councilor Reports/Committee Updates</u> (City Council)	INFORMATION ONLY	---

EXECUTIVE SESSION
13. Pursuant to RCW: a. 42.30.110(1)(c) – Sale/Lease of Real Estate b. 42.30.110(1)(i) – Litigation/Potential Litigation

THE CITY COUNCIL MAY ADD AND TAKE ACTION ON OTHER ITEMS NOT LISTED ON THIS AGENDA.

NEXT SPECIAL CITY COUNCIL MEETING

WEDNESDAY, SEPTEMBER 21, 2022- 6:00 P.M. AT LEWIS COUNTY FIRE DISTRICT #6 TO RECEIVE PUBLIC COMMENT ON 21ST STREET DEVELOPMENT

NEXT REGULAR CITY COUNCIL MEETING

MONDAY, SEPTEMBER 12, 2022- 5:00 P.M.
MONDAY, SEPTEMBER 26, 2022- 5:00 P.M.

Chehalis City Council
Regular Meeting Minutes
August 8, 2022
5:00 p.m.

Council Present: Mayor Ketchum, Councilmember McDougall, Councilmember Pope, Councilmember Lord, Councilmember Spahr, Councilmember Carns, Councilmember Lund (virtual attendance)

Council Absent:

Staff Present: Jill Anderson, City Manager; Kassi Mackie, City Clerk; Jud Riddle, Streets and Stormwater Supervisor; Erin Hillier, City Attorney; Celest Wilder, Engineering Tech; Randy Kaut, Police Chief; Cassie Frazier, Administrative Assistant; Madisen Lester, Court Administrator; Chun Saul, Finance Director; Brandon Rakes, Airport Operations Coordinator

Public Present: None

1. **Call to Order:**
Mayor Ketchum called the meeting to order at 5:00 p.m.
2. **Pledge of Allegiance**
Councilmember McDougall led the flag salute.
3. **Approval of Agenda**
The agenda was amended to remove the executive session.

A motion was made by Councilmember Spahr, seconded by Councilmember Lord, to approve the agenda as amended.

PRESENTATIONS

4. Annalee Tobey was present to provide an update on Experience Chehalis.

CONSENT CALENDAR

5. Minutes of the Special City Council Meeting of July 25th, 2022
6. Minutes of the Regular City Council Meeting of July 25th, 2022
7. Vouchers and Transfers – Accounts Payable in the Amount of \$298,471.55 Dated July 29, 2022
8. Vouchers and Transfers- Payroll in the amount of \$844,180.69 Dated July 29, 2022.
9. Consolidation of Utility Franchise Agreements with Lewis County
10. Department of Ecology Grant for Flood Notification Equipment

A motion was duly made and passed approving the items on the Consent Calendar as though acted on individually.

CITIZENS BUSINESS

Bob Heyman was present to discuss the 21st Street project and neighborhood concerns about the development processes. Mayor Ketchum directed staff to call a neighborhood meeting to discuss the concerns about development and the impact it may have in the area.

Edna Fund was present to encourage the public to attend “Neon Lights and Country Nights” and Beatles Tribute Band will be performing.

UNFINISHED BUSINESS

NEW BUSINESS

11. **2021 Transportation Benefit District Annual Report**

Streets Superintendent Jud Riddle presented.

A motion was made by Councilmember Pope, seconded by Councilmember Spahr to adopt the 2021 Transportation Benefit District Annual Report. The motion carried unanimously.

12. **Addendum #3 to Lease with SERJ Car Wash, LLC**

Airport Operations Coordinator Brandon Rakes provided a brief overview of the purpose of Addendum #3.

A motion was made by Councilmember Spahr, seconded by Councilmember Lord to approve Addendum #3. The motion carried unanimously.

13. **Resolution No. 09-2022: Interlocal Agreement with Lewis County Sewer District #4**

Celest Wilder, Engineering Technician provided a brief overview of the need for Resolution No. 09-2022.

A motion was made by Councilmember Spahr, seconded by Councilmember Lord to approve Resolution No. 09-2022. The motion carried unanimously.

14. **First and Final Reading of Ordinance No. 1033-B: Amending Chapter 7.04 of the Chehalis Municipal Code**

Court Administrator Madisen Lester presented on the requirement to adopt Ordinance No. 1033-B.

A motion was made by Councilmember Spahr, seconded by Councilmember McDougall to approve Ordinance No. 1033-B on first and final reading. The motion carried unanimously.

ADMINISTRATION AND CITY COUNCIL REPORTS

15. **City Manager Update**

City Manager Anderson provided a verbal report including commendation to Annalee Tobey and the Board that oversee Experience Chehalis and reminding the Council and public of the

upcoming special and regular city council meetings in August. City Manager Anderson also reminded the Council and public of the upcoming Movie in the Park.

16. **Councilor Reports/Committee Updates**

Mayor Ketchum provided a verbal report.

Councilmember Lund provided a verbal report.

Councilmember Spahr provided a verbal report.

Councilmember McDougall provided a verbal report.

Councilmember Carns provided a verbal report.

ADJOURNMENT

Mayor Ketchum adjourned the meeting at 5:59 p.m.

Anthony Ketchum, Sr., Mayor

Attest: Kassi Mackie, City Clerk

Chehalis City Council
Special Meeting Minutes
August 11, 2022
5:00 p.m.

Council Present: Mayor Ketchum, Councilmember McDougall, Councilmember Pope, Councilmember Lord, Councilmember Spahr (virtual attendance), Councilmember Carns, Councilmember Lund (virtual attendance)

Council Absent: None

Staff Present: Jill Anderson, City Manager (virtual attendance); Kassi Mackie, City Clerk; Lance Bunker, Public Works Director; Randy Kaut, Police Chief; Tedd Hendershot, Fire Chief

Public Present: None

1. **Call to Order:**
Mayor Ketchum called the meeting to order at 5:00 p.m.
2. **Pledge of Allegiance**

EXECUTIVE SESSION

3. **Pursuant to RCW:**
 - 42.30.140 (4)(b)- Collective Bargaining

Mayor Ketchum adjourned the special meeting at 5:00 p.m. and convened the executive session until 6:00 p.m.

Mayor Ketchum adjourned the executive session at 6:00 p.m. and reconvened the special meeting to announce that an additional 30 minutes in executive session was warranted. Mayor Ketchum adjourned the special meeting and reconvened the executive session at 6:01 p.m. until 6:30 p.m.

Mayor Ketchum adjourned the executive session at 6:30 p.m. and reconvened the special meeting to announce that an additional 20 minutes in executive session was warranted. Mayor Ketchum adjourned the special meeting and reconvened the executive session at 6:30 p.m. until 6:50 p.m.

Mayor Ketchum adjourned the executive session at 6:50 p.m. and reconvened the special meeting to announce that an additional 20 minutes in executive session was warranted. Mayor Ketchum adjourned the special meeting and reconvened the executive session at 6:50 p.m. until 7:10 p.m.

ADJOURNMENT

Mayor Ketchum adjourned the meeting at 7:10 p.m.

Anthony Ketchum, Sr., Mayor

Attest: Kassi Mackie, City Clerk

Chehalis City Council
Special Meeting Minutes
August 15, 2022
5:00 p.m.

Council Present: Mayor Ketchum, Councilmember McDougall, Councilmember Pope, Councilmember Lord, Councilmember Spahr (virtual attendance), Councilmember Lund (virtual attendance)

Council Absent: Councilmember Carns

Staff Present: Jill Anderson, City Manager; Kassi Mackie, City Clerk; Tammy Baraconi, Building and Planning Manager; Jud Riddle, Street Superintendent; Lance Bunker, Public Works Director; Lilly Wall, Recreation Director; Devlan Pool, Wastewater Superintendent; Andrew Hunziker, Parks Director; Randy Kaut, Police Chief.

Public Present:

1. **Call to Order:**
Mayor Ketchum called the meeting to order at 5:00 p.m.
2. **Pledge of Allegiance**

WORKSHOP

3. **Comprehensive Plan Updates**
4. **Rezone Requests**
5. **Capital Improvement Plan**
Building and Planning Manager Tammy Baraconi presented.

Bob Heymann provided public comment regarding development near his residence and requested further information on the upcoming meeting with the public. City Manager Anderson provided Council with an update and the meeting was set for September 21 at 6:00 p.m.

Aaron Fuller provided public comment, specifically to commend staff and Council on the proposed updates regarding rezoning and development.

No final action was taken.

ADJOURNMENT

Mayor Ketchum adjourned the meeting at 5:39 p.m.

Anthony Ketchum, Sr., Mayor

Attest: Kassi Mackie, City Clerk

**CHEHALIS CITY COUNCIL MEETING
AGENDA REPORT**

TO: The Honorable Mayor and City Council

FROM: Jill Anderson, City Manager

BY: Chun Saul, Finance Director
Clare Roberts, Accounting Tech II

MEETING OF: August 22, 2022

SUBJECT: 2022 Vouchers and Transfers – Accounts Payable in the Amount of \$847,110.31

ISSUE

City Council approval is requested for 2022 Vouchers and Transfers dated August 15, 2022.

DISCUSSION

The August 15, 2022, Claim Vouchers have been reviewed by a committee of two councilors prior to the release of payments. The administration is requesting City Council approval for Claim Vouchers including Electronic Funds Transfer Checks No. 2229 – 2258 and 66 - 69 and Voucher Checks No. 134837 – 134948 in the amount of \$847,131.25 dated August 15, 2022, and Voided Check No. 134751 for the net total of \$847,110.31 as follows:

- \$ 213,167.69 from the General Fund
 - \$ 49,182.87 from the Street Fund
 - \$ 204,387.62 from the Transportation Benefit District Fund
 - \$ 31,907.56 from the Tourism Fund
 - \$ 2,101.86 from the LEOFF 1 OPEB Reserve Fund
 - \$ 24.27 from the Federal Advance Grant Control Fund
 - \$ 36,020.70 from the G.O. Bond Fund
 - \$ 946.35 from the Garbage Fund
 - \$ 56,083.63 from the Wastewater Fund
 - \$ 46,420.04 from the Water Fund
 - \$ 2,211.59 from the Storm & Surface Water Utility Fund
 - \$ 10,038.40 from the Airport fund
 - \$ 169,802.59 from the Water Capital Fund
 - \$ 7,006.57 from the Stormwater Capital Fund
 - \$ 3,890.84 from the Custodial Court fund
 - \$ 13,938.67 from the Custodial Other Agency fund
- \$ 847,131.25 Total for Vouchers for August 15, 2022
\$ < 20.94 > Voided check for August 11, 2022
\$ 847,110.31 Net Total Transfers

RECOMMENDATION

It is recommended that the City Council approve the Claim Vouchers including Electronic Funds Transfer Checks No. 2229 – 2258 and 66 - 69 and Voucher Checks No. 134837 – 134948 in the amount of \$847,131.25 dated August 15, 2022, and Voided Check No. 134751 for the net total of \$847,110.31.

SUGGESTED MOTION

I move that the City Council approve the Claim Vouchers including Electronic Funds Transfer Checks No. 2229 – 2258 and 66 - 69 and Voucher Checks No. 134837 – 134948 in the amount of \$847,131.25 dated August 15, 2022, and Voided Check No. 134751 for the net total of \$847,110.31.

**CHEHALIS CITY COUNCIL MEETING
AGENDA REPORT**

TO: The Honorable Mayor and City Council
FROM: Jill Anderson, City Manager
BY: Celest Wilder, Engineering Technician II
MEETING OF: August 22, 2022
SUBJECT: W Main Street Grind & Overlay – Acceptance of Project as Complete

ISSUE

All work in association with the West Main Street Improvement Project is complete. Administration recommends that the City Council accept the project as complete so that the project closeout process may begin.

DISCUSSION

This Public Works project, 90% of which funded by the Transportation Improvement Board (TIB) and included a 10% Transportation Benefit District (TBD) match, included resurfacing the improved roadway of West Main Street from Market Boulevard to Railroad Avenue, approximately 1,905 linear feet. Additional surface improvements included replacing non-compliant ADA curb-ramps and detectable warning surfaces, lane channelization, and reflective delineators.

FISCAL IMPACT

The funds for this project have been factored in to the 2021 fiscal budget. 10% of the budget came from the Transportation Benefit District (TBD) and 90% will come from the Transportation Improvement Board. The initial engineer's base estimate for this project was \$591,000.00

Barcott Construction submitted the lowest bid at \$459,271.70, and as such was awarded the construction contract. Four pay requests and three change orders were submitted for this project, they are outlined as follows:

<i>Pay request #1:</i>	\$183,994.52
<i>Pay request #2:</i>	\$235,856.84
<i>Pay request #3:</i>	\$53,293.33
<i>Pay request #4:</i>	\$20,000.00
<i>Change Order #1:</i> Raising the elevation of an existing fire hydrant	\$1,142.18
<i>Change Order #2:</i> Add 5 working days to complete concrete work – No cost	\$0.00
<i>Change Order #3:</i> Final Pay Consolidation	\$20,000.00

The final cost of the project increased by \$33,873.05 to a total of \$493,144.75. Even though this project exceeded the initial base bid by the contractor, the total cost is still within the budgeted 10% contingency total of \$505,200.00.

This project was funded by an awarded TIB grant which required a 10% Match. The grant match was funded by the TBD fund.

RECOMMENDATION

It is recommended that the City Council accept the West Main Street Grind & Overlay Project as substantially complete and authorize release of the retainage bond after all statutory requirements have been met.

SUGGESTED MOTION

Move to accept the West Main Street Grind & Overlay Project as complete and authorize release of the retainage bond after all statutory requirements have been met.



January 25, 2022

City Manager, Jill Anderson
City of Chehalis
350 North Market Blvd.
Chehalis, WA 98532

RE: Main Street Improvements – Final Acceptance

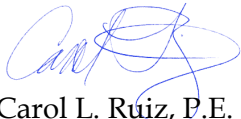
City Manager Anderson:

Barcott Construction has completed the construction for the Chehalis Main Street Improvements Project, including items identified on the punch list.

Gibbs & Olson has reviewed the project and punchlist items have been addressed. The project is now ready for final acceptance by the City and close out. A reconciliation change order has been prepared for the project and is attached for City signature. Please sign the change order and return a copy for our records.

If you have any questions, please call me at 360-425-0991.

Sincerely,



Carol L. Ruiz, P.E.

Copy

Chris Langhoff, TIB

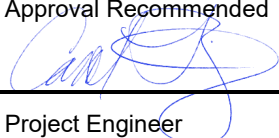
File 155.1081

CHANGE ORDER

Contract Number 0155.1081	Contract Title City of Chehalis Main St Improvements	Change Order Number 4
Change Description Reconciliation		Date 1/25/2022
Prime Contractor Barcott Construction	Request By <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Engineer <input type="checkbox"/> Contractor <input type="checkbox"/> Other:	

Change Description
Reconcile the final project cost with the contract total.

Verbal Approval Given By		Verbal Approval Date	Working Days +/- 0
Original Contract Amount \$459,271.70	Current Contract Amount \$480,413.88	Est. Net Change This C.O. \$12,730.87	Est. Contract Amount \$493,144.75

Approval Recommended <input checked="" type="checkbox"/> Approved

Project Engineer
1/25/2022
Date

Approved
Owner
Date

Approval Recommended
Prime Contractor
Date

Approved
Agency Contact
Date

Item No.	Item Description	Bid Qty		Bid Prices		Total to Date		Net Change	
				Unit Price	Total	Qty	Total	Qty	Total
1	Mobilization	1	LS	\$26,000.00	\$26,000.00	1	\$26,000.00	0	\$0.00
2	Project Temporary Traffic Control	1	LS	\$22,000.00	\$22,000.00	1.00	\$22,000.00	0.00	\$0.00
3	Removal of Structures and Obstructions	1	LS	\$27,000.00	\$27,000.00	1.00	\$27,000.00	0.00	\$0.00
4	Roadway Excavation Incl. Haul	210	CY	\$142.00	\$29,820.00	210.00	\$29,820.00	0.00	\$0.00
5	Crushed Surfacing Top Course	80	TN	\$20.00	\$1,600.00	145.47	\$2,909.40	65.47	\$1,309.40
6	Crushed Surfacing Base Course	120	TN	\$20.00	\$2,400.00	55.04	\$1,100.80	-64.96	(\$1,299.20)
7	Planing Bituminous Pavement	10,100	SY	\$3.30	\$33,330.00	9,620	\$31,746.00	-480	(\$1,584.00)
8	HMA CL. 1/2 IN. PG 58H-22	1,200	TN	\$121.00	\$145,200.00	1,192.41	\$144,281.61	-7.59	(\$918.39)
9	Erosion Control and Water Pollution Prevention	1	LS	\$3,000.00	\$3,000.00	1.00	\$3,000.00	0.00	\$0.00
10	Inlet Protection	17	EA	\$50.00	\$850.00	17	\$850.00	0	\$0.00
11	Cement Conc. Traffic Curb and Gutter	750	LF	\$35.00	\$26,250.00	721.0	\$25,235.00	-29.0	(\$1,015.00)
12	Cement Conc. Pedestrian Curb	370	LF	\$24.00	\$8,880.00	382.83	\$9,188.00	12.83	\$308.00
13	Raised Pavement Marker Type 2	0.95	HUND	\$526.00	\$499.70	0.69	\$362.94	-0.26	(\$136.76)
14	Adjust Monument Case and Cover	1	EA	\$2,000.00	\$2,000.00	1	\$2,000.00	0	\$0.00
15	Cement Conc. Sidewalk	350	SY	\$68.00	\$23,800.00	323.6	\$22,002.40	-26.4	(\$1,797.60)
16	Cement Conc. Curb Ramp Type Perpendicular	70	SY	\$143.00	\$10,010.00	65.0	\$9,295.00	-5.0	(\$715.00)
17	Cement Conc. Curb Ramp Type Parallel	170	SY	\$135.00	\$22,950.00	174.37	\$23,540.00	4	\$590.00
18	Detectable Warning Surface	300	SF	\$43.00	\$12,900.00	284.7	\$12,240.00	-15.3	(\$660.00)
19	Traffic Signal Detection Reinstallation	10	EA	\$2,300.00	\$23,000.00	17.33	\$39,866.67	7.33	\$16,866.67
20	Accessible Pedestrian Push Button	1	EA	\$6,300.00	\$6,300.00	1	\$6,300.00	0	\$0.00
21	Adjust Pedestrian Push Button	6	EA	\$630.00	\$3,780.00	0	\$0.00	-6	(\$3,780.00)
22	Permanent Signing	1	LS	\$1,500.00	\$1,500.00	1	\$1,500.00	0	\$0.00
23	Plastic Line	4,800	LF	\$2.25	\$10,800.00	6,711	\$15,099.75	1,911	\$4,299.75
24	Plastic Wide Lane Line	500	LF	\$3.00	\$1,500.00	515	\$1,545.00	15	\$45.00
25	Plastic Stop Line	330	LF	\$6.00	\$1,980.00	318	\$1,908.00	-12	(\$72.00)
26	Plastic Crosswalk Line	1,450	SF	\$5.00	\$7,250.00	1,708	\$8,540.00	258	\$1,290.00
27	Plastic Bicycle Lane Symbol	17	EA	\$176.00	\$2,992.00	17	\$2,992.00	0	\$0.00
28	Plastic Traffic Arrow	8	EA	\$110.00	\$880.00	8	\$880.00	0	\$0.00
29	Plastic Railroad Crossing Symbol	1	EA	\$800.00	\$800.00	1	\$800.00	0	\$0.00
Base Subtotal					\$459,271.70		\$472,002.57		\$12,730.87
CO1	Adjust Hydrant at Market Blvd						\$1,142.18		\$1,142.18
CO2	Working Days								
CO3	Force Account Work 3-20						\$20,000.00		\$20,000.00
Original Contract Price					\$459,271.70				
Final Contract Price							\$493,144.75		\$33,873.05

Total Change in Project: \$33,873.05



Washington State Transportation Improvement Board

TIB Members

Chair
Councilmember Sam Low
Snohomish County

Vice Chair
Mayor Glenn Johnson
City of Pullman

Amy Asher
Mason Transit Authority

Aaron Butters, P.E.
HW Lochner Inc.

Susan Carter
Hopelink

Barbara Chamberlain
WSDOT

Elizabeth Chamberlain
City of Walla Walla

Chad Coles, P.E.
Spokane County

Mike Dahlem, P.E.
City of Sumner

Commissioner Al French
Spokane County

Commissioner Scott Hutsell
Lincoln County

John Klekotka, P.E.
Port of Everett

David Ramsay
Feet First

Les Reardanz
Whatcom Transportation Authority

Steve Roark, P.E.
WSDOT

Ruth Robertson
Budget Assistant of the Governor

Peter Rogalsky, P.E.
City of Richland

Councilmember Jan Schuette
City of Arlington

Jennifer Walker
Thurston County

Jane Wall
County Road Administration Board

Ashley Probart
Executive Director

P.O. Box 40901
Olympia, WA 98504-0901
Phone: 360-586-1140
Fax: 360-586-1165
www.tib.wa.gov

January 27, 2022

Ms. Jill Anderson
City Manager
City of Chehalis
350 N. Market Blvd.
Chehalis WA 98532

Dear Ms. Anderson:

Congratulations on the completion of the FY 2021 Overlay Project project, TIB number 3-W-193(003)-1. Of the \$30,485 TIB fund increase requested by the city, \$20,000 was approved.

Our records show we owe you \$557,348; you will receive payment by February 26, 2022.

We are happy to assist you with any questions regarding this process. You can contact Chris Langhoff, TIB Project Engineer, at (360) 586-1157 or via e-mail at ChrisL@TIB.wa.gov.

Sincerely,

Ashley Probart
Executive Director

**CHEHALIS CITY COUNCIL MEETING
AGENDA REPORT**

TO: The Honorable Mayor and City Council

FROM: Jill Anderson, City Manager

MEETING OF: August 22, 2022

SUBJECT: Fireworks - Discussion on Potential Changes to the Rules on the Sale and Discharge of Fireworks

ISSUE

In July of 2021 and July of 2022, a resident asked the City Council to consider reducing the amount of time that fireworks could be sold and discharged in the City of Chehalis. This report has been prepared to request direction from the City Council regarding whether or not it would like changes to the Municipal Codes relating to the sale and discharge of fireworks.

DISCUSSION

The City has adopted State Fireworks Law, Chapter 70.77 RCW et seq., by reference. Consistent with the applicable RCWs, the City currently allows fireworks to be sold and purchased at set times from June 28 through July 5 of each year in connection to the Independence Day Holiday (4th of July). It also allows fireworks to be sold from December 27 to December 31 for the New Year’s Day Holiday. The table below identifies the times that fireworks can be discharged in City limits.

<i>Date and Times the Discharge of Fireworks is Allowed</i>	
<i>Date</i>	<i>Time</i>
June 28	Noon to 11:00 PM
June 29 – July 3	9:00 AM to 11:00 PM
July 4	9:00 AM to Midnight
July 5	9:00 AM to 11:00 PM
December 31	6:00 PM to Midnight
January 1	Midnight to 1:00 AM

During the public comment period at regularly scheduled City Council meetings, a resident has expressed concerns that the discharge of fireworks over the course of 8 days surrounding the Independence Day Holiday is detrimental to those suffering PTSD because of the explosive sounds and to pets that are disturbed by the loud noises. The most significant impacts are those related to the discharge of “illegal” fireworks that would not qualify as safe and sane; however, are widely available through means other than community fireworks stands that are typically operated by non-profits to raise funds.

In response to the resident's concerns, members of the City Council had a variety of responses on the need to change the code. Therefore, direction is being requested on whether staff should prepare draft code amendments to change the rules relating to the sale and discharge of consumer fireworks for future consideration by the City Council. The options include, but are not limited to:

- Keep the current code, consistent with RCW 70.77
- Reduce the number of days fireworks can be sold and discharged within City limits
- During periods of high fire danger, allow a ban on the discharge of fireworks within City limits
- Impose a ban on all fireworks within City limits regardless of the circumstances

If the City Council is interested in considering a reduction in the number of days fireworks could be sold and discharged, is there direction regarding the number of days it would consider allowing in the future. For example, does the City Council want fireworks to be allowed from July 1 to July 4 or does it prefer a shorter or longer period?

If the City Council would like to see proposed changes to the Code, an amendment would be drafted based on the direction provided for consideration at a future meeting, likely in early 2023. The State allows cities to adopt ordinances with stricter regulations; however, they may not have an effective date sooner than one year after their adoption. For example, if the City of Chehalis adopted an ordinance reducing the number of days that fireworks would be allowed in January 2023, it could not go into effect until January 2024.

WHAT DO SURROUNDING MUNICIPALITIES ALLOW?

The City of Centralia allows the sale of fireworks from Noon to 11:00 p.m. from July 1 to July 4 and December 31. Fireworks can be discharged on July 4 from Noon to Midnight and on December 31 from 6 p.m. to 1:00 am on January 1.

The City of Winlock allows the sale of fireworks from June 28 through July 5, as well as from December 27 through December 31; however, fireworks can only be discharged on July 2,3, 4 and December 31 from 11:00 p.m. to 1:00 a.m. on January 1.

Like Chehalis, the City of Napavine allows fireworks consistent with the State of WA provisions in RCW 70.77.395.

APPLICABLE MUNICIPAL CODE and RCWs

As noted above, the City of Chehalis has adopted RCW 70.77.395. The applicable code section follows.

5.32.010 Adoption of State Fireworks Law.

The city adopts the State Fireworks Law, Chapter [70.77](#) RCW et seq., by this reference, as if the same were set out in full in this section, together with any amendments hereafter enacted by the state. Throughout Chapter [70.77](#) RCW as adopted in this section, any reference to the director of community development shall be construed to be a reference to the fire chief. [Ord. 767B, 2004; Ord. 562B-2, 1995.]

The RCWs referenced in the City's municipal code is as follows:

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

- (1) It is legal to sell and purchase consumer fireworks within this state 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 nine o'clock a.m. to nine o'clock p.m. on the fifth 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.
- (2) Consumer fireworks may be used or discharged each day between the hours of twelve o'clock noon and eleven o'clock p.m. on the twenty-eighth of June and between the hours of nine o'clock a.m. and eleven o'clock p.m. on the twenty-ninth of June to the third of July, and on July 4th between the hours of nine o'clock a.m. and twelve o'clock midnight, and between the hours of nine o'clock a.m. and eleven o'clock p.m. on July 5th, 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.
- (3) A city or county may enact an ordinance within sixty days of June 13, 2002, to limit or prohibit the sale, purchase, possession, or use of consumer fireworks on December 27, 2002, through December 31, 2002, and thereafter as provided in RCW 70.77.250(4).

RCW 70.77.250 (4) Chief of the Washington state patrol to enforce and administer—Powers and duties.

- (4) The chief of the Washington state patrol, through the director of fire protection, shall adopt those rules as are necessary to ensure statewide minimum standards for the enforcement of this chapter. Counties and cities shall comply with these state rules. **Any ordinances adopted by a county or city that are more restrictive than state law shall have an effective date no sooner than one year after their adoption. (Emphasis Added)**

The City also has permit requirements for the sale of fireworks as set forth below:

5.32.020 Permit for selling fireworks.

Any applicant for a permit for selling fireworks within the city limits must complete a standard application form for operating a fireworks stand, and submit it along with the permit fees established in Appendix Chapter A, Schedule of Fees and Charges. All applications to operate fireworks stands shall comply with Chapter 70.77 RCW, and after issuance, but prior to opening to the public, be inspected by the fire marshal. If it is determined that the fireworks stand needs to be cleaned up after the fireworks stand closes, or if it is determined that the fireworks stand caused damage to the site, a clean-up/damage repair fee shall be assessed against said fireworks stand owner/operator. This fee shall be a minimum of \$100.00 or the actual cost of

clean-up or repair. The city reserves the right to deny future applicants a license if this has occurred. [Ord. 988B § 2, 2018; Ord. 847B § 3, 2009; Ord. 562B-2, 1995.]

FISCAL IMPACT

There is no fiscal impact associated with the discussion on potential changes to the fireworks code.

RECOMMENDATION

It is recommended that the City Council provide direction on whether or not it would like staff to draft changes to the code relating to the dates and times that fireworks can be sold and discharged in the City of Chehalis for consideration at a future City Council meeting.

SUGGESTED MOTION

There is no suggested motion.

Chapter 5.32 FIREWORKS¹

Sections:

5.32.010 Adoption of State Fireworks Law.

5.32.020 Permit for selling fireworks.

5.32.030 Temporary storage of fireworks.

5.32.010 Adoption of State Fireworks Law.

The city adopts the State Fireworks Law, Chapter [70.77](#) RCW et seq., by this reference, as if the same were set out in full in this section, together with any amendments hereafter enacted by the state. Throughout Chapter [70.77](#) RCW as adopted in this section, any reference to the director of community development shall be construed to be a reference to the fire chief. [Ord. 767B, 2004; Ord. 562B-2, 1995.]

5.32.020 Permit for selling fireworks.

Any applicant for a permit for selling fireworks within the city limits must complete a standard application form for operating a fireworks stand, and submit it along with the permit fees established in Appendix Chapter A, Schedule of Fees and Charges. All applications to operate fireworks stands shall comply with Chapter [70.77](#) RCW, and after issuance, but prior to opening to the public, be inspected by the fire marshal. If it is determined that the fireworks stand needs to be cleaned up after the fireworks stand closes, or if it is determined that the fireworks stand caused damage to the site, a clean-up/damage repair fee shall be assessed against said fireworks stand owner/operator. This fee shall be a minimum of \$100.00 or the actual cost of clean-up or repair. The city reserves the right to deny future applicants a license if this has occurred. [Ord. 988B § 2, 2018; Ord. 847B § 3, 2009; Ord. 562B-2, 1995.]

5.32.030 Temporary storage of fireworks.

All temporary storage of consumer fireworks in facilities approved by the Chief of the Washington State Patrol must also be in compliance with Chapter 5 of the city's fire code with respect to fire apparatus access and fire flow requirements. [Ord. 941B § 1, 2014.]

¹Code reviser's note: For statutory provisions on fireworks, see Chapter [70.77](#) RCW.

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