

CHAPTER 2 FIREWORKS

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6-2-1: ADOPTION NFPA 1123: The 2006 edition of the National Fire Protection Association Code for Fireworks Display ("NFPA 1123"), one (1) copy of which shall be filed for use and examination by the public in the office of the Clerk, is hereby adopted and incorporated into this City Code as if set out at length herein. (Ord. 2756, 6-12-08; Ord. 3365, 1-14-21)

6-2-2: AMENDMENTS: The 2006 edition of NFPA 1123 Code for Fireworks Display, as so adopted, is amended as follows:

(A) DEFINITIONS:

- (1) FIREWORKS —"Fireworks" means any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation. Fireworks include items classified as common or special fireworks by the United States bureau of explosives or contained in the regulations of the United States Department of Transportation and designated as UN 0335 1.3G or UN 0336 1.4G. The term "fireworks" shall not include any automotive safety flares, toy guns, toy cannons, caps or other items designed for use with toy guns or toy cannons, party poppers, pop-its or other devices which

contain twenty-five hundredths (.25) of a grain or less of explosive substance.

- (2) **DANGEROUS FIREWORKS** —"Dangerous fireworks" includes any of the following:
- (a) Firecrackers, cannon crackers, giant crackers, salutes, silver tube salutes, cherry bombs, mines, ground bombardment, grass-hoppers and other explosive articles of similar nature;
 - (b) Blank cartridges;
 - (c) Skyrockets and rockets, including all similar devices employing any combustible or explosive material and which rise in the air during discharge;
 - (d) Roman candles, including all devices which discharge balls of fire into the air;
 - (e) Chasers and whistles, including all devices which dart or travel about the surface of the ground during discharge;
 - (f) Snakes and hats containing bichloride of mercury;
 - (g) Sparklers more than ten inches (10") in length or one-quarter inch (¼") in diameter;
 - (h) All articles for pyrotechnic display such as aerial shells, salutes, flash shells, sky battles, parachute shells, mines, Dago bombs and similar devices;
 - (i) All torpedoes which explode by means of friction, or which contain arsenic and all other similar fireworks devices, including cracker balls;
 - (j) Fire balloons or balloons of any type which have burning material of any kind attached thereto;
 - (k) Toy cannons which use a combustible or explosive substance for the purpose of producing a visible or audible effect.
- (3) **SAFE AND SANE FIREWORKS** —"Safe and sane fireworks" includes any of the following:

- (a) Cone fountains with pyrotechnic composition not exceeding fifty (50) grams each;
 - (b) Cylindrical fountains, whether base, spike or handle, with pyrotechnic composition not exceeding seventy-five (75) grams each and inside tube diameter not exceeding three-quarters inch (3/4");
 - (c) Sparklers and "dipped sticks" not more than ten inches (10") in length or one-quarter inch (1/4") in diameter and Suzuki and morning glories with pyrotechnic composition not exceeding four (4) grams each;
 - (d) Snakes which do not contain bichloride of mercury and pyrotechnic composition not exceeding two (2) grams each;
 - (e) Wheels with pyrotechnic composition not exceeding sixty (60) grains for each driver unit of two hundred forty (240) grains for each complete wheel. The inside tube diameter of diver unit shall not exceed one-half inch (1/2");
 - (f) Whistles, without report and which do not dart or travel about the ground during discharge with pyrotechnic composition not exceeding six (6) grams and containing no picric or gallic acid.
- (4) CONSUMER FIREWORKS — "Consumer Fireworks" means small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion that comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission (CPSC). "Safe and Sane fireworks" as defined by City ordinance are to be considered in this classification.
- (5) DISPLAY FIREWORKS — "Display Fireworks" means large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation.

(B) CONSUMER FIREWORKS — PERMIT AND SALE OF "SAFE AND SANE" FIREWORKS: It shall be unlawful for any person to sell, store or keep for sale, any "safe and sane fireworks" within the City, unless such person is the holder of a valid permit issued by the Fire Code Official and the site where such items are sold or stored is inspected and approved by the Fire Code Official.

(C) CONSUMER FIREWORKS — APPLICATION: Any person desiring to sell "safe and sane fireworks" within the City shall apply to the Clerk for a permit. Each applicant shall pay to the Clerk a permit fee and inspection fee in an amount set from time to time by Resolution of the Council at the time of application. If the application is denied, the permit fee shall be refunded. The application for a permit to sell "safe and sane fireworks" shall include the following information:

- (1) Name and address of applicant.
- (2) Age of applicant (Must be at least 21 years of age)
- (3) The names and addresses of the officers of the applicant, if a corporation.
- (4) The location of the place of sale of "safe and sane fireworks."
- (5) The name and address of any wholesaler, or distributor, from whom the applicant intends to obtain "safe and sane fireworks."
- (6) The applicant's state sales tax permit number.
- (7) A bond or valid certificate of public liability and property-casualty insurance issued by a company licensed to issue insurance policies within the State of Idaho, providing coverage of at least one hundred thousand dollars (\$100,000) for personal injury and property damage shall be presented at the time of application.

(D) CONSUMER FIREWORKS — REVIEW OF APPLICATION: The Fire Code Official shall examine or cause to be examined the application for the permit and amendments thereto within a reasonable time after filing. If the application does not conform to the requirements of pertinent state and local laws and ordinances, the Fire Code Official shall reject such application in writing, stating the reasons therefor. If the Fire Code Official is satisfied that the proposed work or operation conforms to the requirements of this code and laws and ordinances applicable thereto, the fire code official shall issue a permit therefore as soon as practicable. Permits for a fireworks display before a proximate audience shall be granted only by the City Council after investigation and recommendation by the Fire Code Official.

(E) CONSUMER FIREWORKS — ISSUANCE OF PERMIT: No permit shall be granted for sale on premises or under any conditions which would violate any State law or City ordinance. Each permit shall be valid for only one location designated in the permit. No permit shall be transferable, assignable or renewable. The permit shall be valid only for the year of its issue and shall permit the sale or offering for sale of "safe and sane fireworks" only from twelve o'clock (12:00) midnight June 23, to twelve o'clock (12:00) midnight July 5.

(F) CONSUMER FIREWORKS — REVOCATION OF PERMIT: Any permit granted under this Chapter may be revoked by order of the Fire Code Official or any

police officer or officer from the Fire Department whenever probable cause appears that the permittee has violated or is in violation of this Chapter.

(G) CONSUMER FIREWORKS —FIREWORKS STANDS: Temporary fireworks stands shall be located, constructed and operated in compliance with the following regulations:

- (1) Fireworks displayed in temporary fireworks stands for retail sale shall not be made readily accessible to the public. The term "readily accessible" means that retailers shall be the only ones to handle the fireworks until the actual sale takes place.
- (2) The stand shall comply with all applicable zoning and electrical codes.
- (3) The stand shall not be located within twenty-five feet (25') of any other building.
- (4) The stand shall not be located within one hundred feet (100') of any pump or any other device used to dispense gasoline, kerosene, diesel fuel, propane or other flammable liquid or flammable liquefied gas as defined in of the International Fire Code.
- (5) The stand shall not be located within one hundred feet (100') of any above ground tank, cylinder or other device used to store propane or other flammable liquefied gas as defined in the International Fire Code.
- (6) The stand shall not be located within one hundred feet (100') of any vent or fill pipe of any underground tank or other underground device used to store gasoline, kerosene, diesel fuel or other flammable liquid as defined in the International Fire Code.
- (7) The stand shall have two (2) exits, each a minimum of thirty (30) inches wide, placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the building or area to be served measured in a straight line between exit doors or exit access doorways. One (1) additional door is required for each thirty-two (32) feet of rear wall in excess of thirty-two (32) feet. All doors shall open outward from the stand and shall be kept unlocked and unlatched during the hours of operation and free and clear of supplies and materials at all times.
- (8) The stand shall have at least two (2) fire extinguishers with a 2A minimum rating, in good working order, with a current inspection tag

in place, placed near the exits in a visible and readily accessible manner.

- (9) At least one supervisor, eighteen (18) years of age or older, shall be present within the stand at all times the stand is open for business.
- (10) No fireworks shall be discharged within one hundred feet (100') of any fireworks stand.
- (11) "No Smoking" signs shall be conspicuously and permanently displayed both inside and outside the stand. No smoking shall be permitted inside or within twenty-five feet (25') of the stand.
- (12) Generators and other internal combustion power sources shall be separated from temporary structures by a minimum of twenty feet (20') and shall be isolated from contact with the public by fencing, enclosure or other approved means.
- (13) Fireworks shall not be left in the stand when it is not open for business unless the stand is locked or secured. If fireworks are not stored in the stand, they shall be stored in compliance with section 6.2.3.8 (A) of this code.
- (14) No "safe and sane fireworks" shall be sold, or offered for sale, except from twelve o'clock (12:00) midnight June 23, to twelve o'clock (12:00) midnight July 5.

(H) CONSUMER FIREWORKS —MEMBRANE TENTS: The temporary use of membrane structures for the retail sales of "safe and sane" fireworks shall be permitted when all the following requirements are met:

- (1) Membrane structure, tents or canopies shall have a permanently affixed label bearing the identification of size and fabric or material type.
- (2) The owner or agent shall file with the fire code official a certificate executed by an approved testing laboratory, certifying that the tents, canopies and membrane structures and their appurtenances, sidewalks, drops and tarpaulins, floor coverings, bunting, combustible decorative materials and effects, shall be composed of flame-resistant material or shall be treated with a flame retardant in an approved manner and meet the requirements for flame resistance as determined in accordance with NFPA 701, and that such flame resistance is effective for the period specified by the permit.

- (3) There shall be a minimum clearance of at least 3 feet between the fabric envelope and all contents located inside the tent or membrane structure.
- (4) Generators and other internal combustion power sources shall be separated from tents, canopies or membrane structures by a minimum of twenty (20') feet and shall be isolated from contact with the public by fencing, enclosure or other approved means.
- (5) Open flame or other devices emitting flame, fire or heat or any flammable or combustible liquids, gas, charcoal or other cooking device or any other unapproved devices shall not be permitted inside or located within twenty (20') feet of the tent, canopy or membrane structures while open to the public unless approved by the fire code official.
- (6) No storage of fireworks in a membrane structure when not open for business.
- (7) Temporary membrane structures shall meet all other requirements in this code.

(I) CONSUMER FIREWORKS — STORAGE AND TRANSPORTATION:

Consumer "Safe and sane fireworks" shall be stored and transported within the City in compliance with the following standards:

- (1) Storage: "Safe and sane fireworks" shall not be stored in any building within the City. A short-term storage facility may be used for the storage of non-aerial common fireworks for a period of thirty (30) days prior to, and fifteen (15) days after, any authorized retail sale date. The authority having jurisdiction shall be notified of the address or location of all short-term storage facilities when fireworks will not be stored in a temporary fireworks stand. Short-term storage is allowed in any of the following, provided it is locked or otherwise secured: a temporary fireworks stand, truck, trailer, or other vehicle. A truck, trailer or other vehicle used for short-term storage must remain at least twenty-five (25) feet from the stand during any time the stand is open for business, but may abut the stand when it is closed. A truck, trailer or vehicle used for short-term storage must be at least twenty-five (25) feet from any other inhabited building.
- (2) Transportation: Quantities of "safe and sane fireworks" greater than twenty-five (25) pounds shall not be transported in any vehicle within the City unless "Caution Fireworks" signs are displayed on the vehicle. The signs shall be placed so that they are

plainly visible from the rear and both sides of the vehicle. The shape, size, color and language of the signs shall be the same as for signs to be posted on buildings in which quantities of "safe and sane fireworks" greater than twenty-five (25) pounds are stored.

(J) **CONSUMER FIREWORKS — WRITTEN RECORDS:** Any person, association or corporation who holds a permit issued pursuant to this Chapter and who purchases fireworks for the purpose of sale at retail, shall at the time such purchase is made, keep and maintain a written record containing the following information:

- (1) The name and address of the wholesaler or distributor from whom the fireworks were purchased, and, if the wholesaler or distributor is a corporation or association, the name of every person who acted in behalf of such corporation or association;
- (2) The date and location of the purchase;
- (3) An itemized list describing the kind and nature of all fireworks purchased and the quantity thereof.
- (4) Such written record, or a true and correct copy thereof, shall be kept at the location where said fireworks are offered for sale at retail. It shall be unlawful for any person to fail or refuse to allow any police officer or officer from the Fire Department to inspect said record at any time during which the premises of the permittee are open for business.

(K) **CONSUMER FIREWORKS — DISCHARGE OF FIREWORKS IN PUBLIC AREA:** It shall be unlawful for any person to ignite or discharge any fireworks during the time periods set forth below and within fifty feet (50') of the curb line along any parade route or within any area of public gathering designated by the Chief of Police and/or Fire Code Official or to cause any ignited fireworks to be thrown or propelled into such area. Such time period shall commence one hour prior to the commencement of such parade and shall conclude one hour after the conclusion of the designated parade times, and with regard to other areas of public gathering designated by the Chief of Police and/or Fire Code Official, said time frame shall likewise be designated by the Chief of Police and/or Fire Code Official. In areas of public gathering designated by the Chief of Police and/or Fire Code Official, a public notice of such designation shall be posted in a conspicuous place at least once in every City block contained within said public area, which notice shall specifically describe the area and times within which this section shall apply.

(L) **CONSUMER FIREWORKS — SEIZURE OF FIREWORKS:** Whenever there is probable cause to believe that any person is selling fireworks without a permit required by this Chapter, or that any person has sold or conveyed any fireworks contrary to the provisions of this Chapter, then the Chief of Police or Fire Code Official may order any police officer or officer of the Fire Department to seize as evidence all fireworks offered for sale at the premises where such violation is alleged to have taken place. The Police Department or Fire Department

shall hold the fireworks so seized pending trial or conviction of the person selling or offering the same for sale. In the event such person is convicted of selling fireworks contrary to this Chapter, then all rights to the fireworks shall be forfeited and the Chief of Police shall forthwith destroy the same.

(M) CONSUMER FIREWORKS — PERMIT FOR SALE OF FIREWORKS AT WHOLESALE: It shall be unlawful for any person, association, corporation or any responsible person associated with an association or a corporation, to sell, convey or offer for sale at wholesale, or cause any other person to sell, convey or offer for sale at wholesale, any fireworks within the City, unless such person is the holder of a valid permit for wholesale sale of fireworks. For the purposes of this section, the term "responsible person" shall mean any person who owns at least ten percent (10%) of the capital assets or interest in profits and losses of an unincorporated association, or any person who holds or owns at least ten percent (10%) of the issued shares of the corporation.

(N) CONSUMER FIREWORKS - APPLICATION FOR WHOLESALE PERMIT: Any person, association or corporation desiring to sell fireworks at wholesale within the City, shall make application to the Clerk for a permit for sale of fireworks at wholesale. Each applicant shall pay, to the Clerk, a fee in an amount set from time to time by Resolution of Council at the time of application. Permits shall be granted only by the City Council after investigation and recommendation by the Fire Code Official. No permit shall be granted for sale on premises or under any conditions which would violate any State law or any ordinance of the City. If the application be denied, the permit fee shall be refunded forthwith. Each permit shall be valid only for one location designated in the permit. A permit shall not be transferable, assignable or renewable and shall be valid only for the year of its issue.

(O) CONSUMER FIREWORKS — INFORMATION FURNISHED FOR PERMIT: Each applicant for a permit for sale of fireworks at wholesale shall provide the following information on their application:

- (1) The name and address of applicant or principal place of business.
- (2) The age of the applicant if not a business entity.
- (3) The names and addresses of the officers of the applicant, if a corporation;
- (4) The names and addresses of any person owning at least ten percent (10%) of the capital assets or profits and losses, if an association.
- (5) The names and addresses of any person owning or holding ten percent (10%) or more of the issued shares of the corporation, if a corporation;
- (6) The applicant's state sales tax permit.

(P) DISPLAY FIREWORKS — FIREWORKS PERMIT FOR PUBLIC DISPLAY REQUIRED: It shall be unlawful for any person to possess, keep store, use or discharge within the City any dangerous fireworks unless such person be the holder of a valid "Fireworks Permit for Public Display" reviewed by the Fire Code Official and approved by the Mayor and/or City Council, Police Chief, Fire Chief and Director of Parks & Recreation.

(Q) DISPLAY FIREWORKS — SALE OF "DANGEROUS FIREWORKS" PROHIBITED: It shall be unlawful for any person to sell, convey or offer for sale any dangerous fireworks to any person who is not a holder of a valid fireworks permit for public display, or who is not employed by a corporation or association who is a holder of such permit.

(R) DISPLAY FIREWORKS — PERMIT APPLICATION: Any person desiring to conduct a public display of fireworks within the City shall apply to the Clerk for a permit. Prior to issuing permits for a fireworks display, plans for the display, inspection of the display site and demonstrations of the display operations shall be approved by the Fire Code Official. A plan establishing procedures to follow and actions to be taken in the event that a shell fails to ignite in, or discharge from, a mortar or fails to function over the fall-out area or other malfunctions shall be provided to the Fire Code Official.

(S) DISPLAY FIREWORKS — PERMIT INFORMATION: An applicant for a "Fireworks Permit for Public Display" shall furnish the following information to the Clerk:

- (1) The name, address, email address, and phone number of the individual, group, or organization sponsoring the outdoor fireworks display.
- (2) Evidence that any individual applicant is not less than 21 years of age.
- (3) Names and addresses of officers, if an association or corporation.
- (4) The date and time of day at which the outdoor fireworks display is to be held, with a proposed rain/wind date and time in the event the display is postponed.
- (5) The name, address, email address, and phone number of the supplier of the fireworks, if different from that of the operator.
- (6) The exact location planned for the outdoor fireworks display.
- (7) Evidence of financial responsibility by the sponsor of the event or festival and by the operator of the fireworks display.
- (8) A copy of a valid certificate of public liability insurance issued by a company licensed to issue insurance policies within the State of Idaho, providing a combined single limit of not less than one

million dollars (\$1,000,000) for personal injury and one-hundred thousand dollars (\$100,000) for property damage from a public display of special fireworks. (Ord. 2491, 6-12-03)

- (9) Evidence that the Operator or "Shooter" is trained in pyrotechnic displays and the number of assistants who are to be present.
- (10) The approximate number and kinds of fireworks to be discharged.
- (11) The manner and place of storage of such fireworks prior to delivery to the outdoor fireworks display site.
- (12) A diagram of the grounds on which the outdoor fireworks 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 is to be restrained; and the location of other possible overhead obstructions.
- (13) Upon receipt of such application 10 days in advance of the date set for this outdoor fireworks display, the Fire Code Official should make or initiate an investigation of the site of the proposed display for the purpose of determining compliance with these regulations in the case of the particular display.

(T) **DISPLAY FIREWORKS — PERMIT APPROVAL:** The Council shall have the power to grant or deny such application after investigation and recommendation by the Fire Code Official. No fee shall be charged for a "Fireworks Permit for Public Display." Such permit, if granted, shall authorize the permittee to purchase, transport, keep and use fireworks for the purposes of the public display, but shall not authorize the permittee to sell, distribute or give away any fireworks, except to the wholesaler or distributor from which they were obtained. The permit shall be valid only for the public display for which applied.

(U) **DISPLAY FIREWORKS — APPROVED DISPLAYS:** Approved displays shall include only the approved Division 1.3G, Division 1.4G, and Division 1.4S fireworks; shall be handled by an approved competent operator, and the fireworks shall be arranged, located, discharged and fired in a manner that will not pose a hazard to property or endanger any person.

(V) **OUTDOOR DISPLAYS —** Outdoor displays shall be in compliance with the adopted Fire Code, NFPA 1123, and NFPA 1126, State and local laws and this Chapter and are subject to the review and recommendation of the Fire Code Official.

(W) **PROXIMATE AUDIENCE DISPLAYS —** Proximate audience displays shall be in compliance with the adopted Fire Code, NFPA 1123, and NFPA 1126, State and local laws and this Chapter, and shall include plans for indicating the required clearances for

spectators and combustibles, crowd control measures, smoke control measures, and requirements for standby personnel and equipment when provision of such personnel or equipment is required by the Fire Code Official. (Ord. 2756, 6-12-08; Ord. 2964, 8-14-14; Ord. 3003, 04-23-15; Ord. 3365, 1-14-21)

6-2-3: SAFE AND SANE FIREWORKS: "Safe and sane fireworks" includes any of the following:

(A) Cone fountains with pyrotechnic composition not exceeding fifty (50) grams each;

(B) Cylindrical fountains, whether base, spike or handle, with pyrotechnic composition not exceeding seventy-five (75) grams each and inside tube diameter not exceeding three-quarters inch (3/4");

(C) Sparklers and "dipped sticks" not more than ten inches (10") in length or one-quarter inch (1/4") in diameter and Suzuki and morning glories with pyrotechnic composition not exceeding four (4) grams each;

(D) Snakes which do not contain bichloride of mercury and pyrotechnic composition not exceeding two (2) grams each;

(E) Wheels with pyrotechnic composition not exceeding sixty (60) grains for each driver unit of two hundred forty (240) grains for each complete wheel. The inside tube diameter of diver unit shall not exceed one-half inch (1/2");

(F) Whistles, without report and which do not dart or travel about the ground during discharge with pyrotechnic composition not exceeding six (6) grams and containing no picric or gallic acid.

6-2-4: FIREWORKS PERMIT FOR PUBLIC DISPLAY REQUIRED: It shall be unlawful for any person to possess, keep store, use or discharge within the City any dangerous fireworks unless such person be the holder of a valid "Fireworks Permit for Public Display."

6-2-5: PERMIT AND SALE OF SAFE AND SANE FIREWORKS: It shall be unlawful for any person to sell, store or keep for sale, any "safe and sane fireworks" within the City, unless such person is the holder of a valid "Permit for Safe and Sane Fireworks." (Ord. 2193, 12-14-95; Ord. 2597, 4-14-05)

6-2-6: APPLICATION: Any person desiring to sell "safe and sane fireworks" within the City shall apply to the Clerk for a permit. Each applicant shall pay to the Clerk a permit fee and inspection fee in an amount set from time to time by Resolution of the Council at the time of application. If the application is denied, the permit fee shall be refunded. The application for a permit to sell "safe and sane fireworks" shall include the following information:

(A) name and address of applicant;

- (B) the names and addresses of the officers of the applicant, if a corporation;
- (C) the location of the place of sale of "safe and sane fireworks";
- (D) the name and address of any wholesaler, or distributor, from whom the applicant intends to obtain "safe and sane fireworks";
- (E) the applicant's state sales tax permit number; and
- (F) a copy of a valid certificate of public liability insurance issued by a company licensed to issue insurance policies within the State of Idaho, providing a combined single limit of not less than three hundred thousand dollars (\$300,000) for personal injury and fifty thousand dollars (\$50,000) for property damage. (Ord. 2491, 6-12-03, Ord. 2964, 8-14-14; Ord. 3365, 1-14-21)

6-2-7: ISSUANCE: Permits shall be granted only by the Council after investigation and recommendation by the Chief of the Fire Department. No permit shall be granted for sale on premises or under any conditions which would violate any State law or City ordinance. Each permit shall be valid for only one location designated in the permit. No permit shall be transferable, assignable or renewable. The permit shall be valid only for the year of its issue and shall permit the sale or offering for sale of "Safe and sane fireworks" only from midnight June 23, to midnight July 5. (Ord. 2701, 6-07-07; Ord. 3003, 04-23-15)

6-2-8: FIREWORKS STANDS: Temporary fireworks stands shall be located, constructed and operated in compliance with the following regulations:

(A) Fireworks displayed in temporary fireworks stands for retail sale shall not be made readily accessible to the public. The term "readily accessible" means that retailers shall be the only ones to handle the fireworks until the actual sale takes place.

(B) The temporary use of membrane structures for the retail sales of "safe and sane" fireworks shall be permitted when all the following requirements are met:

- (1) Membrane structure, tents or canopies shall have a permanently affixed label bearing the identification of size and fabric or material type.
- (2) The owner or agent shall file with the fire code official a certificate executed by an approved testing laboratory, certifying that the tents, canopies and membrane structures and their appurtenances, sidewalks, drops and tarpaulins, floor coverings, bunting, combustible decorative materials and effects, shall be composed of flame-resistant material or shall be treated with a flame retardant in an approved manner and meet the requirements for flame resistance as determined in accordance with NFPA 701, and that

such flame resistance is effective for the period specified by the permit.

- (3) There shall be a minimum clearance of at least 3 feet (914 mm) between the fabric envelope and all contents located inside the tent or membrane structure.
- (4) Open flame or other devices emitting flame, fire or heat or any flammable or combustible liquids, gas, charcoal or other cooking device or any other unapproved devices shall not be permitted inside or located within 20 feet (6096 mm) of the tent, canopy or membrane structures while open to the public unless approved by the fire code official.
- (5) No storage of fireworks in a membrane structure when not open for business.
- (6) Temporary membrane structures meet all other requirements in this ordinance.

(C) The stand shall comply with all applicable zoning and electrical codes.

(D) The stand shall not be located within twenty-five feet (25') of any other building.

(E) The stand shall not be located within one hundred feet (100') of any pump or any other device used to dispense gasoline, kerosene, diesel fuel, propane or other flammable liquid or flammable liquefied gas as defined in of the International Fire Code.

(F) The stand shall not be located within one hundred feet (100') of any above ground tank, cylinder or other device used to store propane or other flammable liquefied gas as defined in the International Fire Code.

(G) The stand shall not be located within one hundred feet (100') of any vent or fill pipe of any underground tank or other underground device used to store gasoline, kerosene, diesel fuel or other flammable liquid as defined in the International Fire Code.

(H) The stand shall have two (2) exits, each a minimum of thirty inches (30") wide, placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the building or area to be served measured in a straight line between exit doors or exit access doorways. One (1) additional door is required for each thirty-two feet (32') of rear wall in excess of thirty-two feet (32'). All doors shall open outward from the stand and shall be kept unlocked and unlatched during the hours of operation and free and clear of supplies and materials at all times.

(I) The stand shall have at least two (2) fire extinguishers with a 2A minimum rating, in good working order, with a current inspection tag in place, placed near the exits in a visible and readily accessible manner.

(J) At least one supervisor, eighteen (18) years of age or older, shall be present within the stand at all times the stand is open for business.

(K) No fireworks shall be discharged within one hundred feet (100') of any fireworks stand.

(L) "No Smoking" signs shall be conspicuously and permanently displayed both inside and outside the stand. No smoking shall be permitted inside or within twenty-five feet (25') of the stand.

(M) Generators and other internal combustion power sources shall be separated from tents, canopies of membrane structures by a minimum of 20 feet (6096 mm) and shall be isolated from contact with the public by fencing, enclosure or other approved means.

(N) Fireworks shall not be left in the stand when it is not open for business unless the stand is locked or secured. If fireworks are not stored in the stand, they shall be stored in compliance with Section 6-2-9(A) of this ordinance.

(O) No "safe and sane fireworks" shall be sold, or offered for sale, except from midnight June 23, to midnight July 5. (Ord. 2491, 6-12-03; Ord. 2597, 4-14-05; Ord. 2701, 6-07-07)

6-2-9: STORAGE AND TRANSPORTATION: "Safe and sane fireworks" shall be stored and transported within the City in compliance with the following standards:

(A) Storage: "Safe and sane fireworks" shall not be stored in any building within the City. A short-term storage facility may be used for the storage of non-aerial common fireworks for a period of thirty (30) days prior to, and fifteen (15) days after, any authorized retail sale date. The authority having jurisdiction shall be notified of the address or location of all short-term storage facilities when fireworks will not be stored in a temporary fireworks stand. Short-term storage is allowed in any of the following, provided it is locked or otherwise secured: a temporary fireworks stand, truck, trailer, or other vehicle. A truck, trailer or other vehicle used for short-term storage must remain at least twenty-five feet (25') from the stand during any time the stand is open for business, but may be about the stand when it is closed. A truck, trailer or vehicle used for short-term storage must be at least twenty-five feet (25') from any other inhabited building.

(B) Transportation: Quantities of "Safe and sane fireworks" greater than twenty-five (25) pounds shall not be transported in any vehicle within the City unless "Caution Fireworks" signs are displayed on the vehicle. The signs shall be placed so that they are plainly visible from the rear and both sides of the vehicle. The shape, size, color and language of the signs shall be the same as for signs to be posted on buildings in which quantities of "Safe and

sane fireworks" greater than twenty-five (25) pounds are stored. (Ord. 2193, 12-14-95; Ord. 2597, 4-14-05)

6-2-10: FIREWORKS PERMIT FOR PUBLIC DISPLAY; APPLICATION: Any person desiring to conduct a public display of fireworks within the City may apply for a permit therefor to the Clerk. The Council shall have the power to grant or deny such application after investigation and recommendation by the Chief of Police and the Fire Chief. Such permit, if granted, shall authorize the permittee to purchase, transport, keep and use fireworks of all kinds for the purposes of the public display, but shall not authorize the permittee to sell, distribute or give away any fireworks, except to the wholesaler or distributor from which they were obtained. The permit shall be valid only for the public display for which applied. No fee shall be charged for a "Fireworks Permit for Public Display."

6-2-11: DATA FURNISHED: An applicant for a "Fireworks Permit for Public Display" shall furnish the following information to the Clerk:

- (A) Name and address of the applicant.
- (B) Names and addresses of officers, if an association or corporation.
- (C) The place and time of the public display.
- (D) The name and address of the wholesaler or distributor from whom the fireworks will be obtained.
- (E) A copy of a valid certificate of public liability insurance issued by a company licensed to issue insurance policies within the State of Idaho, providing a combined single limit of not less than one million dollars (\$1,000,000) for personal injury and one-hundred thousand dollars (\$100,000) for property damage from a public display of special fireworks. (Ord. 2491, 6-12-03)

6-2-12: PERMIT FOR SALE OF FIREWORKS AT WHOLESALE: It shall be unlawful for any person, association, corporation or any responsible person associated with an association or a corporation, to sell, convey or offer for sale at wholesale, or cause any other person to sell, convey or offer for sale at wholesale, any fireworks within the City, unless such person is the holder of a valid permit for wholesale sale of fireworks. For the purposes of this section, the term "responsible person" shall mean any person who owns at least ten percent (10%) of the capital assets or interest in profits and losses of an unincorporated association, or any person who holds or owns at least ten percent (10%) of the issued shares of the corporation.

6-2-13: APPLICATION FOR WHOLESALE PERMIT: Any person, association or corporation desiring to sell fireworks at wholesale within the City, shall make application to the Clerk for a permit for sale of fireworks at wholesale. Each applicant shall pay to the Clerk a fee in an amount set from time to time by Resolution of the Council at the time of application. Permits shall be granted only by the Council after investigation and recommendation by the Fire Chief. No permit shall be granted for sale on premises or under any conditions which would

violate any State law or any ordinance of the City. If the application be denied, the permit fee shall be refunded forthwith. Each permit shall be valid only for one location designated in the permit. A permit shall not be transferable, assignable or renewable and shall be valid only for the year of its issue. (Ord. 2491, 6-12-03; Ord. 2964, 8-14-14; Ord. 3365, 1-14-21)

6-2-14: INFORMATION FURNISHED: Each applicant for a permit for sale of fireworks at wholesale shall provide the following information on their application:

- (A) The name and address of applicant or principal place of business.
- (B) The names and addresses of the officers of the applicant, if a corporation;
- (C) The names and addresses of any person owning at least ten percent (10%) of the capital assets or profits and losses, if an association.
- (D) The names and addresses of any person owning or holding ten percent (10%) or more of the issued shares of the corporation, if a corporation;
- (E) The applicant's state sales tax permit.

6-2-15: SALE OF "DANGEROUS FIREWORKS" PROHIBITED: It shall be unlawful for any person to sell, convey or offer for sale any dangerous fireworks to any person who is not a holder of a valid fireworks permit for public display, or who is not employed by a corporation or association who is a holder of such permit.

6-2-16: WRITTEN RECORDS:

(A) Any person, association or corporation who holds a permit issued pursuant to this chapter and who purchases fireworks for the purpose of sale at retail, shall at the time such purchase is made, keep and maintain a written record containing the following information.

- (1) The name and address of the wholesaler or distributor from whom the fireworks were purchased, and, if the wholesaler or distributor is a corporation or association, the name of every person who acted in behalf of such corporation or association;
- (2) The date and location of the purchase;
- (3) An itemized list describing the kind and nature of all fireworks purchased and the quantity thereof.

(B) Such written record, or a true and correct copy thereof, shall be kept at the location where said fireworks are offered for sale at retail. It shall be unlawful for any person to fail or refuse to allow any police officer or officer from the Fire Department to inspect said record at any time during which the premises of the permittee are open for business. (Ord. 3003, 04-23-15)

6-2-17: SEIZURE OF FIREWORKS: Whenever there is probable cause to believe that any person is selling fireworks without a permit required by this Chapter, or that any person has sold or conveyed any fireworks contrary to the provisions of this Chapter, then the Chief of Police or Fire chief may order any police officer or officer of the Fire Department to seize as evidence all fireworks offered for sale at the premises where such violation is alleged to have taken place. The Police Department or Fire Department shall hold the fireworks so seized pending trial or conviction of the person selling or offering the same for sale. In the event such person is convicted of selling fireworks contrary to this Chapter, then all rights to the fireworks shall be forfeited and the Chief of Police shall forthwith destroy the same. (Ord. 3003, 04-23-15)

6-2-18: DISCHARGE OF FIREWORKS IN PUBLIC AREA: It shall be unlawful for any person to ignite or discharge any fireworks during the time periods set forth below and within fifty feet (50') of the curb line along any parade route or within any area of public gathering designated by the Chief of Police, or to cause any ignited fireworks to be thrown or propelled into such area. Such time period shall commence one hour prior to the commencement of such parade and shall conclude one hour after the conclusion of the designated parade times, and with regard to other areas of public gathering designated by the Chief of Police, said time frame shall likewise be designated by the Chief of Police. In areas of public gathering designated by the Chief of Police, a public notice of such designation shall be posted in a conspicuous place at least once in every City block contained within said public area, which notice shall specifically describe the area and times within which this section shall apply.

6-2-19: REVOCATION OF PERMIT: Any permit granted under this Chapter may be revoked by order of the Fire Chief or the Chief of Police whenever probable cause appears that the permittee has violated or is in violation of this Chapter.