

Chapter 8

FIREWORKS

6-8-1: FIREWORKS:

- A. Fireworks shall include blank cartridges, toy cannons, toy canes or toy guns in which explosives are used, fire balloons (balloons of a type which have burning material of any kind attached thereto or which require fire underneath to propel them), firecrackers, torpedoes, skyrockets, Roman candles, fountain wheels, dago bombs, sparklers and other fireworks of like construction and any fireworks containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, deflagration, explosion or detonation.
- B. Exempted from this part are all toy pistols, toy cannons, toy guns and toy canes, and similar devices such as party poppers or party favors, in which paper caps containing not more than twenty five one-hundredths (.25) grain of explosive compound per cap are used, and such caps whether single, roll or tape type. (1970 Code)

6-8-2: DANGEROUS FIREWORKS:

Dangerous fireworks includes any of the following:

- A. Firecrackers, cannon crackers, giant crackers, salutes, silver tube salutes, cherry bombs, mines, ground bombardment, grasshoppers 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 ride 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 (1/4") in diameter or made with other than iron wires;
- H. All articles for pyrotechnic display such as aerial shells, salutes, flash shells, sky battles, parachute shells, mines, dago bombs and similar fireworks devices including cracker balls;
- 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. (1970 Code)

6-8-3: SAFE AND SANE FIREWORKS:

Safe and sane fireworks include any of the following:

- A. Cane 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-fourths inch (3/4");
- C. Sparklers and dipped sticks not more than ten inches (10") in length or one-fourth inch (1/4") in diameter made of steel or iron wire 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 or two hundred forty (240) grains for each complete wheel. The inside tube diameter of driver 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. (1970 Code)

6-8-4: PERMITS:

- A. It shall be unlawful for any person in the City to import, export, offer for sale, sell, possess, keep or store, or permit the keeping or storing of any dangerous fireworks for any use or purpose, except that a person holding a dangerous fireworks permit issued pursuant to the terms and conditions of this Chapter may use dangerous fireworks for a safely supervised and conducted public display of fireworks, and said fireworks may be stored for a period not exceeding four (4) days immediately preceding the date of said public display.
- B. No person, without having a valid safe fireworks permit issued pursuant to the terms and conditions set forth in this Chapter shall import, export, possess for the purpose of sale, offer for sale, or sell any safe and sane fireworks for any use or purpose. (1970 Code)

6-8-5: APPLICATION:

- A. Any reputable person in reasonable pursuit or furtherance of any legitimate personal business or charitable purpose, desiring to engage in the sale of safe and sane fireworks within the City, shall first make written application to the Clerk for a safe and sane fireworks permit. Each applicant shall pay to the Clerk a fee of ten dollars (\$10.00) at the time he files his application, and shall not be refundable in any event.
- B. Any reputable person in reasonable pursuit or furtherance of any legitimate personal business or charitable purpose, desiring to make a public display of dangerous fireworks shall first make written application to the Clerk for a dangerous fireworks permit. Each applicant shall pay to the

Clerk a fee of ten dollars (\$10.00) at the time he files his application, and shall not be refundable in any event. (Ord. 476, 4-21-1975)

6-8-6: FORM OF APPLICATION:

Each applicant for a safe and sane fireworks permit or a dangerous fireworks permit shall file his application with the Clerk. Each application shall show the following:

- A. Name and address of applicant.
- B. The purpose for which the applicant is primarily existing and for which it was organized.
- C. The names and addresses of the officers, trustees and/or directors, if any, of the applicant.
- D. The location where the applicant requests permission to sell safe and sane fireworks or display dangerous fireworks.
- E. When and where the applicant was organized and established, or, if a natural person, the applicant's age.
- F. The location of the applicant's principal and permanent meeting place or places, or principal place of business.
- G. The applicant's State Sales Tax Permit Number.
- H. If the applicant is an entity other than a sole proprietorship, the name and a general description of the business activities of each parent or subsidiary company, business or entity, and a general description of the ownership organization of each parent or subsidiary, if any.
- I. Such other information as the Clerk may require on a standard form submitted to all applicants and which is reasonably necessary to protect the public health, safety and morals. (1970 Code)

6-8-7: INVESTIGATION:

The Clerk shall cause an investigation to be made of each application and applicant and shall submit a written report of his findings and recommendations for or against the issuance of the permit, together with his reasons therefor, to the Mayor and Councilmen of the City, which report shall not be public information except on request of the applicant or by order of a court of competent jurisdiction. (1970 Code)

6-8-8: POWER TO DENY:

The Mayor and Councilmen of the City shall have the power in its discretion to grant or deny any application, subject to such reasonable conditions, if any, as it shall prescribe so long as the denial of the application is reasonably necessary for protection of the public health, safety and morals. (1970 Code)

6-8-9: TERM OF PERMIT:

A safe and sane fireworks permit or a dangerous fireworks permit issued pursuant to this Chapter shall be valid only within the calendar year in which issued. A permit shall be valid only for the specific premises or location designated in the permit. However, subject to reasonable conditions necessary for protection of the public health, safety and morals, an applicant may be granted permits for more than one site or location within the City. No permit shall be transferable or assignable. (1970 Code)

6-8-10: TIME OF FILING:

Each application for a permit to sell safe and sane fireworks at retail shall be filed with the Clerk on or before June 1 of the calendar year for which the permit is sought. (Ord. 476, 4-21-1975)

6-8-11: LIABILITY INSURANCE:

Each applicant for a safe and sane fireworks permit or for a dangerous fireworks permit shall have filed with the Clerk prior to the issuance and validity of any permit a policy, or a certified true copy thereof, of public liability and products liability insurance, including both accident and occurrence coverage. The insurance coverage limits for both public liability coverage and products liability

coverage limits shall be at least one hundred thousand dollars (\$100,000.00) per person per occurrence bodily injury, three hundred thousand dollars (\$300,000.00) per occurrence aggregate bodily injury and one hundred thousand dollars (\$100,000.00) per occurrence aggregate property damage. Each policy of insurance shall be in form and substance acceptable to the City and shall name as insured parties under the terms of the policy the City in performance of official functions regarding all operations under or pertaining to said permit and licensee or licensor of the applicant, and all vendors of the fireworks covered by the permit to be issued to the applicant. Said policy of insurance shall be so written that it cannot be cancelled without at least ten (10) days prior written notice to the City from the underwriting insurance company. The policy of insurance shall be underwritten through or by a qualified and duly licensed insurance company or companies doing or authorized to do insurance business in the State of Idaho. (1970 Code)

6-8-12: TIME OF SALE:

"Safe and Sane Fireworks", as now defined by title 39, chapter 26 of the Idaho Code, and as the same may hereafter be defined by amendment, may be possessed, sold, given away or discharged and used between and including twelve o'clock (12:00) noon June 28 to midnight on the fifth day of July of each year. (Ord. 530, 4-20-1981)

6-8-13: STANDS:

- A. Temporary fireworks stands from which safe and sane fireworks are to be sold shall be subject to the following provisions:
1. The stand in which the fireworks shall be stored or sold shall not be located within twenty five feet (25) of any other building nor within one hundred feet (100') of any gasoline station or flammable liquid dispensing device or installation.
 2. All such stands shall meet the structural stability requirements of the building regulations of the City and all lighting circuits and other electrical equipment shall meet the requirements of the electrical regulations of the City.
 3. The stand shall have exit doors at least thirty inches (30") wide at both ends of the structure and one additional door for each twenty five feet (25') of rear wall in excess of twenty five feet (25'). All doors shall open outward from the stand and all doorways shall be kept free and clear from all supplies and materials at all times.
 4. Each stand shall be provided with a minimum of two (2) two and one-half (2½) gallon soda and acid type fire extinguishers, in good working order, and easily accessible for use in case of fire, which shall be kept in immediate proximity to the location where the fireworks are retailed.
 5. There shall be at least one supervisor, twenty one (21) years of age or older, on duty at all

times. All fireworks shall be effectively kept away from any kind of self-service by the public, and shall be placed in a location which is unavailable and inaccessible to members of the public in capacities other than as legal customers. No person under eighteen (18) years of age shall be allowed inside the temporary stand at any time, nor shall any person under eighteen (18) years of age work at or about any stand where safe and sane fireworks are sold or offered for sale.

6. No person employed as a watchman shall be permitted to remain inside of any stand when it is not open for business.
 7. "NO SMOKING" signs shall be prominently displayed both inside and outside the stand. No smoking shall be permitted within the stand or within fifteen feet (15') of the stand.
 8. No temporary stand shall be erected before June 10 of any year. The premises on which the stand is erected shall be cleared of all structures and debris not later than noon on July 26.
 9. No fireworks shall be discharged in or within twenty five feet (25') of any fireworks stand.
 10. No person shall allow any rubbish to accumulate in or around any fireworks stand or permit a fire nuisance to exist.
 11. No fireworks shall remain unattended at any time regardless of whether the fireworks stand is open for business or not. If any fireworks are stored, they shall only be stored at places as are approved for storage of fireworks by the City.
 12. No stand shall have a floor area in excess of seven hundred fifty (750) square feet.
- B. Permanent business structures from which safe and sane fireworks are to be sold shall be subject to the following provisions:
1. All such buildings shall meet the structural stability requirements of the building regulations of the City and all lighting circuits and other electrical equipment shall meet the requirements of the electrical regulations of the City.
 2. The building shall have exit doors at least thirty inches (30") wide at both ends of the structure and shall otherwise conform to the exit regulations established by the City building regulations for structures of the size and nature of said building. All doors shall open outward and all doorways shall be kept free and clear from all supplies and materials at all times.
 3. Each building shall be provided with such number of fire extinguishers as the Fire Chief of the City shall deem adequate, but in all cases the number shall not be less than two (2). The fire extinguishers shall be two and one-half (2 1/2) gallon soda and acid type extinguishers or other types approved by the Fire Chief of the City. The fire extinguishers shall be kept in good working order, easily accessible for use in case of fire, and kept in immediate proximity to the location where the fireworks are retailed.
 4. There shall be at least one supervisor, twenty one (21) years of age or older, on duty at all times. All fireworks shall be screened or otherwise effectively segregated from any kind of self-service by the public, and shall be placed in a location which is unavailable and

inaccessible to members of the public in capacities other than as legal customers. No person under eighteen (18) years of age shall be allowed at any time inside the screened or otherwise segregated area where the fireworks are located.

5. No person employed as a watchman shall be permitted to remain inside the screened or otherwise segregated area when it is not open for business.
6. "NO SMOKING" signs shall be prominently displayed both inside and outside the screened or otherwise segregated area. No smoking shall be permitted within the screened or otherwise segregated area or within fifteen feet (15) of such area.
7. No fireworks shall be discharged in or within twenty five feet (25') of the screened or segregated area where fireworks are kept.
8. No person shall allow any rubbish to accumulate, or permit a fire nuisance to exist in or around the area where fireworks are sold.
9. If fireworks are stored, they shall only be stored in such places as are approved for storage of fireworks by the City.
10. No building where alcoholic beverages are sold for consumption on the premises shall be used for the retail sale of safe and sane fireworks.
11. The City may establish other regulations for permanent structures where fireworks are to be sold so long as said regulations are reasonably necessary to protect the public health, safety and morals and apply uniformly to all applicants. (1970 Code)

6-8-14: RECORDS:

Each permittee shall be required to retain at the licensed premises while said premises are open, and at his principal place of business for a year thereafter, copies of all invoices, receipts and orders evidencing the source from which he acquired the fireworks which he handled. (1970 Code)

6-8-15: BOND:

In those cases where the applicant conducts the sale of fireworks from a temporary fireworks stand, he shall post with the clerk a cash bond or cash deposit in the amount of not less than fifty dollars (\$50.00) (or such other security as may be acceptable to the city) conditioned upon the prompt removal of the temporary fireworks stand and the cleaning up of debris from the site of the temporary fireworks stand, which deposit or security shall be returned to the applicant only in the event he removes said temporary fireworks stand and cleans up all debris to the satisfaction of the fire chief of the city, or such other official as the city may designate. In the event of the applicant's failure to so remove the stand and debris, said cash bond or cash deposit shall be forfeited to the city. In no event shall the applicant be entitled to the return of said cash bond or cash deposit if he

has failed to remove said temporary fireworks stand and clean up all debris by twelve o'clock (12:00) noon of July 26 of any year. It shall be the legal duty of each permittee to clear such sites and remove all debris therefrom on or before July 26 of the year in which the permit is granted, and failure to do so shall be punishable by a two hundred fifty dollar (\$250.00) fine and/or sixty (60) days confinement in the city jail. (1970 Code)

6-8-16: COMPLIANCE:

It shall be the duty of every person issued a fireworks permit to comply with all the provisions of the Idaho state fireworks act and this chapter. The conviction of violation of the aforesaid Idaho state fireworks act or any of the provisions of this chapter by the permittee, or by any of its agents, employees or officers shall constitute a cause, in and of itself, to deny any subsequent application for a permit. (1970 Code)