

TITLE 6 CHAPTER 1

FIREWORKS

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6-1-1: DEFINITIONS:

FIREWORKS:

Fireworks shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, fire balloons, (balloon of a type which have burning materials of any kind attached thereto or which require fire underneath to propel them), firecrackers, torpedoes, skyrockets, rockets, Roman candles, cone 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. Exempted from this definitions are all toy pistols, toy cannons, toy canes and toy guns and similar devices such as party poppers or party favors in which paper caps containing not more than twenty five hundredths (.25) grain of explosive compound per cap are used and such caps when single, roll or tape type.

DANGEROUS FIREWORKS:

“Dangerous fireworks” include 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 and 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 or mercury;
- (G) Sparkles more than ten inches (10") in length or one-quarter ($\frac{1}{4}$ ") 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 balloon of any type which have burning material of any kind attached thereto.

SAFE AND SANE FIREWORKS:

“Safe and sane fireworks” include 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 ($\frac{3}{4}$ ");
- (C) Sparklers and “dipped sticks” no more than ten inches (10") in length or one-quarter inch ($\frac{1}{4}$ ") in diameter and Suzuki and morning glories not exceeding four (4) grams each;
- (D) Snakes which do not contain bichloride or 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 ($\frac{1}{2}$ ");
- (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.

6-1-2: **DANGEROUS FIREWORKS PERMITS:** 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. Said fireworks may

be stored for a period not exceeding thirty (30) days immediately preceding the date of said public display, provided the fireworks are to be used exclusively for the public display.

The Sheriff's Office and/or Albion Fire District shall have the right, power and authority to confiscate and destroy all "dangerous fireworks" being imported, exported, offered for sale, sold, possessed, kept or stored in violation of these presents.

6-1-3: SAFE AND SANE FIREWORKS PERMIT: No person without having a valid "safe and sane fireworks permit" issued pursuant to 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.

6-1-4: APPLICATION REQUIRED, FEES:

(A) Safe and Sane Fireworks: Any reputable person in reasonable pursuit of 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 a written application to the City Clerk for a "safe and sane fireworks permit". Each applicant shall pay to the City Clerk a fee of ten (\$10.00) at the time he/she files his/her application. At the time and as a condition of such filing and with each application, each applicant shall pay an additional fee to defray costs of preliminary investigation required hereunder and to be conducted by the City, the fee shall be sixty five dollars (\$65.00), and shall not be refundable in any event. In the event no "safe and sane fireworks permit" is issued by the City by June 15 in the year during which the application is made, the City Clerk shall refund the application fee.

(B) Dangerous Fireworks: 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 City Clerk for a "dangerous fireworks permit". Each applicant shall pay to the City Clerk a fee of ten dollars (\$10.00) at the time he/she files his/her application. At the time and as a condition of such filing and with each application, each applicant shall pay an additional fee to defray costs of preliminary investigation required hereunder and to be conducted by the City, the fee shall be sixty five dollars (\$65.00), and shall not be refundable in any event.

6-1-5: CONTENT OF APPLICATION: Each applicant for a "safe and sane fireworks permit" or "dangerous fireworks permit" shall file his/her written application with the City Clerk. Each application shall show the following:

(A) Name and address of applicant;

(B) The primary purpose for which the applicant exists and for which it was organized.

(C) The names and addresses of the officers, trustees, and/or directors, if any, of the applicant,

should the applicant be other than a sole proprietorship or a copartnership.

(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 principle and permanent meeting place or places, or principle place or places 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 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 City Clerk may require on a standard form submitted to all applicants and which is reasonably necessary to protect the public health, safety and morals.

6-1-6: INVESTIGATE APPLICANTS: The City Clerk shall notify the Albion Fire District which Department, in concurrence with the City Clerk, shall cause an investigation to be made of each application and applicant and shall submit a written report of its findings and recommendations for or against the issuance of the permit, together with the reasons therefore, to the City Council, which report shall not be public information except on request of the applicant or by order of the Mayor and City Council.

6-1-7: ISSUANCE OF PERMITS, CONDITIONS:

(A) The City Council shall have the power in its discretion to grant or deny any application, subject to such reasonable conditions, as it shall prescribe so long as the denial of the application or any conditions imposed on the granting of the application are reasonably necessary for protection of the public health and safety.

(B) 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 and safety. An applicant may be granted permits for more than one premises or location within the City. No permit shall be transferable or assignable.

(C) Each application for a permit to sell “safe and sane fireworks” at retail shall be filed with the City Clerk on or before June 1 of the calendar year for which the permit is sought.

(D) No “safe and sane fireworks” shall be sold or offered for sale except from twelve o’clock (12:00) noon on June 15 to twelve o’clock (12:00) midnight on July 5 of each year.

6-1-8 ISSUANCE REQUIREMENTS: Each applicant for a “safe and sane fireworks permit” or for a “dangerous fireworks permit” shall have filed with the City Clerk prior to the issuance and validity of any permit, a policy or 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 and for products liability coverage shall be at least 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, all officials, elected and appointed of the City, in performance of official functions regarding all operations under or pertaining to said permit, any license or licenser of the applicant, all vendors of the fireworks covered by the permit to be issued to the applicant.

6-1-9: PREMISES REQUIREMENTS FOR SALE OF SAFE AND SANE FIREWORKS: Business places from which “safe and sane fireworks” are to be sold shall be subject to the following provisions:

(A) All such business places 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.

(B) All doorways of the said business places in which “safe and sane fireworks” are sold pursuant hereto shall be kept free and clear from all supplies and materials of every kind and nature at all times. Each business place shall be provided with such number of fire extinguishers as the Albion Fire District shall deem adequate, but in all cases the number shall not be less than two (2). The fire extinguishers shall be of such type as are approved by the Albion Fire District. The fire extinguishers shall be 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.

(C) 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 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.

(D) “NO SMOKING” signs shall be prominently displayed in and around the segregated area in which the fireworks are to be sold. No smoking shall be permitted within fifteen feet (15') of the segregated area in which the fireworks are sold.

(E) No fireworks shall be discharged in or within twenty five feet (25') of the segregated areas in which the fireworks are kept.

(F) No person shall allow any rubbish to accumulate or permit a fire nuisance to exist in or around

the area where fireworks are sold.

(G) No building where alcoholic beverages are sold for consumption on the premises shall be used for the retail sale of “safe and sane fireworks”.

(H) Fireworks may not be sold at any location where retail sales are not allowed under the zoning ordinances of the City.

(I) The City may establish other regulations for business places where fireworks are to be sold so long as the said regulations are reasonably necessary to protect the public health and safety, and to apply uniformly to all applicants.

6-1-10: TEMPORARY FIREWORKS STANDS, REQUIREMENTS: Temporary fireworks stands from which “safe and sane fireworks” are to be sold shall be subject to the following provisions:

(A) Area Requirements:

1. The stand in which the fireworks will be stored or sold shall not be located within one hundred feet (100') of any gasoline station or flammable liquid dispensing device or installation.
2. No stand shall have a floor area in excess of seven hundred fifty (750) square feet.
3. No stand shall be erected at a location where retail sales are not allowed under the zoning ordinances of the City.

(B) Construction Requirements:

1. All such stands, when built, shall pass the inspection of and shall be approved by the Building Inspector of the City, and any and all lighting circuits and other electrical equipment located in said stands shall pass the inspection of and shall be approved by the City.
2. 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.
3. Each stand shall be provided with a minimum of two (2) appropriate 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.
4. No temporary stand shall be erected before June of any year. The premises on which the stand is erected shall be cleared of all structures and debris, not later than noon on the 26th day of July.

(C) Personnel Requirements:

1. 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 work at or about any stand where "safe and sane fireworks" are sold or offered for sale.
2. No person employed as a watchman shall be permitted to remain inside of any stand when it is not open for business.

(D) Additional Requirements;

1. "NO SMOKING" signs shall be prominently displayed on both inside and outside the stand. No smoking shall be permitted within the stand or within twenty five feet (25') of the stand.
2. No fireworks shall be discharged in or within twenty five feet (25') of any fireworks stand.
3. No fireworks stand 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 such places as are approved for storage of the fireworks by the Albion Fire District.
4. No person shall allow any rubbish to accumulate in or around any fireworks stand or permit a fire nuisance to exist.

(E) Cash Deposit Required, Removal of Stands: In those cases where the applicant conducts the sale of fireworks from a temporary fireworks stand, he/she shall post with the City Clerk a cash bond or cash deposit in the amount of not less than fifty dollar (\$50.00) or such other security as may be acceptable to the Mayor or Council 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/she removed the temporary fireworks stand and cleans up all debris to the satisfaction of the City. 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/she 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 two hundred fifty dollars (\$250.00) fine and/or thirty (30) days incarceration.

6-1-11: RECORDS KEPT; Each permittee shall be required to retain at the licensed premises while said premises are open, and at his/her principle place of business for a year thereafter, copies of all invoices, receipts and orders evidencing the source from which he/she acquired the fireworks which he/she handled.

6-1-12: COMPLIANCE WITH STATE LAWS REQUIRED: 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 by any of its agents, employees or officers shall constitute a cause, in and of itself, to deny any subsequent application for a permit.