

FIREWORKS ORDINANCE

No. 134-83

AN ORDINANCE OF BONNEVILLE COUNTY, PROVIDING FOR AND ADOPTING RULES AND REGULATIONS FOR THE STORAGE, SALE, USE AND DISPLAY OF FIREWORKS WITHIN THE UNINCORPORATED AREAS OF BONNEVILLE COUNTY: REQUIRING PERMITS FOR THE SALE AND DISPLAY OF FIREWORKS: ESTABLISHING APPLICATION FORMS, PROCEDURES AND REQUIREMENTS FOR THE ISSUANCE OF PERMITS: ESTABLISHING INSURANCE REQUIREMENTS: ESTABLISHING PENALTIES: ESTABLISHING A SEVERABILITY CLAUSE: REPEALING BONNEVILLE COUNTY ORDINANCE NO. ⁽¹⁾~~134-83~~ AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BONNEVILLE COUNTY, STATE OF IDAHO:

SECTION 1 FIREWORKS.

"Fireworks" shall include blank cartridges, toy pistols, 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 requires fire underneath to propel them), firecrackers, torpedoes, skyrockets, rockets, Roman candles, fountains, wheels, Dago bombs, sparklers, and other fireworks of like construction and any fireworks containing any combustible or explosive substances for the purpose of producing a visible or audible effect by combustion, deflagration, explosion or detonation.

Exempted from this part 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 whether single, roll or tape type.

SECTION 2 DANGEROUS FIREWORKS. "Dangerous fireworks" include 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 (10) inches in length or one-quarter (1/4) inch in diameter or made with other than iron wires;

(h) All articles for pyrotechnic display such as serial 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 of any type which have burning material of any kind attached thereto.

SECTION 3 SAFE AND SANE FIREWORKS.

"Safe and Sane Fireworks" included 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 ($3/4$) inch;

(c) Sparklers and 'dipped sticks' not more than ten (10) inches in length or one-quarter ($1/4$) inch in diameter, made on 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 and forty (240) grains for each complete wheel. The inside tube diameter of driver unit shall not exceed one-half ($1/2$) inch;

(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.

SECTION 4 AGRICULTURAL AND WILDLIFE FIREWORKS.

"Agricultural and wildlife fireworks" include any of the following:

(a) Fireworks designated or used to prevent damage to crops.

(b) Fireworks designated or used to prevent unwanted occupancy of areas by animals or birds through the employment of sound, light or both.

SECTION 5 PUBLIC DISPLAY OF FIREWORKS.

"Public display of fireworks" means an entertainment feature where the public is admitted or permitted to view the display or discharge of "dangerous fireworks".

SECTION 6 FIRE NUISANCE.

"Fire nuisance" means anything or any act which increases, or may cause an increase of, the hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service of preventing, suppressing, or extinguishing fire; or which may obstruct, delay or hinder, or may become the cause of any obstruction, delay or a hinderance to the prevention or extinguishment of fire.

SECTION 7 PACKAGE.

"Package" includes any case, container, or receptacle used for holding fireworks, which shall be closed or sealed by tape, cordage, or by any other secure means.

SECTION 8 PERSON.

"Person" includes any individual, firm, partnership, joint adventure, association, concern, corporation, estate, trust, business trust, receiver, syndicate or any other group or combination acting as a unit.

SECTION 9 PERMITS.

9.1 Dangerous Fireworks Permit. It shall be unlawful for any person in the County 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 Display Permit" issued pursuant to the terms and conditions of this ordinance may use "dangerous fireworks" for a safely supervised and conducted public display of fireworks. Said fireworks may be stored for a period not exceeding ten (10) days immediately preceding the date of said public display, provided the fireworks are to be used exclusively for public display and are stored in accordance with Uniform Building Code requirements.

9.2 Safe and Sane Fireworks Sales Permit. No person, without having a valid "Safe and Sane Fireworks Sales Permit" issued pursuant to terms and conditions set forth in this ordinance shall import, export, possess for the purpose of sale, offer for sale or sell "safe and sane fireworks" for any use or purpose.

9.3 Agricultural and Wildlife Fireworks. A permit shall not be required for the sale, use and storage of agricultural and

wildlife fireworks, as long as such use is by persons actively engaged in farming or livestock raising. Said use and storage shall take place only in areas zoned Agricultural or Rural. Persons contemplating the use of agricultural and wildlife fireworks should notify the appropriate Fire District , Forest Fire Prevention District and/or Sheriff's Department in advance of such use.

9.4 This chapter does not apply to an Idaho fireworks manufacturer, importer, or wholesaler as to that portion of product inventories which are designated and intended only for shipment directly out of the state.

SECTION 10 PROCEDURES.

10.1 Dangerous Fireworks Display Permit. Any reputable person over 21 years of age, 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 Building Official for a "Dangerous Fireworks Display Permit". Each applicant shall pay to the Building Official a fee of thirty five dollars (\$35.00) per site at the time he files his application. This fee is non-refundable and is to defray costs of investigations required hereunder.

10.2 Safe and Sane Fireworks Sales Permit. Any reputable person over 21 years of age, in reasonable pursuit or furtherance of any legitimate personal, business, or charitable purpose, desiring to engage in the sale of "safe and sane fire-

works" within the County shall first make written application to the Building Official for a "Safe and Sane Fireworks Sales Permit". Each applicant shall pay to the Building Official a fee of thirty five dollars (\$35.00) at the time he files his application which shall not be refunded in any event. The fee is to defray costs of investigations required hereunder.

10.3 Form of Application. Each applicant for a "Safe and Sane Fireworks Sales Permit" or a "Dangerous Fireworks Display Permit" shall file his application with the Building Official. Each application shall show the following:

(a) Name and address of applicant.

(b) Whether or not the applicant is a private, profit making corporation, a private non-profit corporation, a sole proprietorship, or a partnership.

(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" together with a legal description of the property and proof of ownership or right of use.

(e) Date of incorporation or date partnership was established or the applicant's age, if a sole proprietorship.

(f) The location of the applicant's principal and permanent meeting place or places, or principal place or places of business.

(g) The applicant's State Sales Tax Permit number, except if application is for Dangerous Fireworks Permit.

(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 Building Official may require on a standard form submitted by all applicants and which is reasonably necessary to protect the public health, safety and morals.

(j) Proof of issuance of a policy of public liability insurance with coverage of at least \$100,000/\$1,000,000 and a policy of property damage insurance with at least \$100,000 or a certificate showing said amount of insurance. Each policy shall contain two riders therein listing and carrying the County of Bonneville as an additional assured under said policy.

10.4 Pre-Installation Investigation. The Building Official, upon receipt of an application for either a Safe and Sane Fireworks Sales Permit or a Dangerous Fireworks Display Permit, shall assign an application (permit) number. The Building Official shall then promptly notify the Fire Chief of the appropriate Fire District or the Bonneville County Sheriff's Department if no fire district exists at the location proposed for sales or display. The Building Official and the Fire Chief

or their designated representatives shall arrange a mutually convenient time to review the application and to visit the proposed location. If the application is for a Safe and Sane Fireworks Sales Permit, the Building Official shall ascertain that the proposed location is in an area zoned commercial.

After meeting with the Fire Chief, the Building Official will prepare a written report of their findings, together with a recommendation for approval, approval with conditions, or disapproval of the application. Factors to be considered in the report include compatibility with the Uniform Building Code and/or Uniform Fire Code, compatibility with the requirements and standards of this ordinance and the character or repute of the applicant. This report shall be forwarded to the Board of Commissioners within ten (10) working days of the receipt of the application. The Board of Commissioners shall then approve, conditionally approve or deny the application.

10.5 Installation Inspection. Safe and Sane Fireworks Sales Permits shall not be valid unless and until the Fire Chief or his designated representative have visited the site and verified in writing to the Board of Commissioners that the installation meets the requirements of this ordinance and the Permit. This site visit must take place after the temporary fireworks stand is in place, but before sales commence.

The Safe and Sane Fireworks Sales Permit number must be posted on the temporary fireworks stand in a conspicuous place. Letters shall be a minimum of four (4) inches in height.

10.6 Term of Permit. A "Safe and Sane Fireworks Sales Permit" or a "Dangerous Fireworks Display Permit" issued pursuant to this ordinance 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 public health, safety and morals, an applicant may be granted permits for more than one premises or location within the County. No permit shall be transferable or assignable.

10.7 Time of Filing Application. Each application for a Safe and Sane Fireworks Sales Permit will be filed with the Clerk on or before June 15 of the calendar year for which the permit is sought. Each application for a Dangerous Fireworks Display Permit will be filed with the Clerk before June 1 of the calendar year for which the permit is sought.

10.8 Time of Sale. No "safe and sane fireworks" shall be sold or offered for sale except from twelve o'clock (12:00) noon on the 15th day of June to midnight on the 5th day of July of each year. No temporary fireworks stands will be erected before June 10 of the calendar year.

10.9 Distribution of Fees. Of the Thirty Five Dollars (\$35.00) collected, Ten Dollars (\$10.00) shall be considered the permit fee as defined by Idaho Code Section 39-2629 and shall be credited to the Clerk and Recorder. The remaining Twenty Five Dollars (\$25.00) shall be considered a site review and inspection

fee, with Ten Dollars (\$10.00) credited to the Building Department and Fifteen Dollars (\$15.00) credited to the appropriate Fire District Fund.

SECTION 11 PENALTIES.

It shall be the duty of every person issued a "Fireworks Sales Permit" to comply with all the provisions of the Idaho State Fireworks Act and this ordinance. Violations of the Act or any of the provisions of this ordinance 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. It shall be unlawful for any person, firm or corporation to violate any of the provisions of this ordinance and any violation thereof shall constitute a misdemeanor.

SECTION 12 SEVERABILITY.

If any Section or provision of this Ordinance or the application thereof to any person or circumstance is held by any Court to be invalid or unconstitutional, such decision shall not affect the validity of the remaining provisions or Sections.

SECTION 13 REPEAL OF ORDINANCE NO. _____.

Bonneville County Ordinance No. ^{year} 1967 together with its amendments, additions or revisions, is hereby repealed.

SECTION 14 EFFECTIVE DATE.

This Ordinance shall take effect and be in full force upon its passage approval, and publication in one (1) issue of the Post Register, a newspaper of general circulation within

Bonneville County, Idaho, and published and printed at Idaho Falls, Idaho.

PASSED UPON A ROLL CALL VOTE AND DULY ENACTED AN ORDINANCE OF BONNEVILLE COUNTY, STATE OF IDAHO, this 12th day of October, 1983, which is a continuation of the regular meeting of the Board of County Commissioners held on the 19th day of September, 1983, at 7:30 o'clock, p.m.

BOARD OF COUNTY COMMISSIONERS
BONNEVILLE COUNTY, IDAHO

Clyde A. Burtenshaw
Clyde A. Burtenshaw, Chairman

APPROVED AS TO FORM:

Blake G. Hall
Blake G. Hall,
Deputy Prosecuting Attorney

Thomas F. Loertscher
Thomas F. Loertscher, Member

ATTEST:

Ronald Longmore
Clerk Ronald Longmore

A. Wylie Snarr
A. Wylie Snarr, Member

Publication Date: October 16, 1983