

**North Ada County Fire Rescue District**

**2008-018. RETAIL DISPLAY AND SALE OF FIREWORKS**

Add Section 3309 Fireworks

**3309.1 Definition:**

"Fireworks" shall be defined as follows: Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration, or detonation that meets definition 1.4G or 1.3G of fireworks in the international fire code (IFC).

**3309.2 Dangerous Fireworks:**

Fireworks meeting the following criteria are to be considered as "dangerous fireworks".

- A. Fireworks containing explosive material that will burn or deflagrate when ignited. Examples include, but are not limited to, firecrackers, cherry bombs, M-80s.
- B. Fireworks that leave the ground of their own accord, or fly when tossed into the air. Examples include, but are not limited to, skyrockets, bottle rockets, mortar shells, Roman candles.
- C. Fireworks designed for ground or near ground use that travel outside of a fifteen (15') foot diameter circle.
- D. Fireworks designed for ground or near ground use, that has a means of propulsion, emit showers or sparks longer than twelve (12") inches.
- E. Fireworks designed for use from a stationary position that emit sparks, showers, or flaming balls, vertically more than twenty (20') feet; or from which discharged material falls beyond a twenty (20') foot diameter.

Exception: The term "fireworks" shall not include any blank cartridge, automotive safety flares, toy guns or toy cannons, caps, or other items designed for use with toy guns or cannons, party poppers, pop-its, party favors, or other device which contains twenty-five hundredths (0.25) of a grain or less of explosive substance.

**3309.3 Safe and Sane Fireworks:**

Fireworks not meeting the criteria as "dangerous fireworks", or not specifically banned by reference, are to be considered as "Safe and Sane Fireworks".

**3309.4 Dangerous Fireworks Permit:**

It shall be unlawful for any person in the District to import, export, offer for sale, sell, possess, use 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 Section 3309 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.

**3309.5 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 Section 3309 shall import, export, possess for the purpose of sale, offer for sale, or sell "safe and sane fireworks" for any use or purpose.

#### 3309.6 Application for Safe and Sane Fireworks:

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 District shall first make written application to Garden City Hall for a "Safe and Sane Fireworks Permit".

Each applicant shall pay an additional fee as per the Permit Fee List to North Ada County Fire Rescue, to defray costs of preliminary investigations required hereunder. The fee shall be per site applied for, and shall not be refundable in any event. Permit fees shall be paid no later than June 1<sup>st</sup>.

#### 3309.7 Term of Permit:

A "Safe and Sane Fireworks Permit" or a "Dangerous Fireworks Permit" issued pursuant to this Section 3309 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 premises or location within the District. No permit shall be transferable or assignable.

#### 3309.8 Insurance Required:

Each applicant for a "safe and sane fireworks permit" or for a "dangerous fireworks permit", shall have filed with Garden City Hall 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 coverage and for products liability coverage shall be at least one hundred thousand dollars (\$100,000.00) per occurrence aggregate bodily, and one hundred thousand dollars (\$100,000.00) per occurrence aggregate property damage, or personal injury. Each policy of insurance shall be in form and substance acceptable to the District, and shall name as insured parties under the terms of the policy the District, all officials, elected and appointed, of the District in performance of official functions regarding all operations under or pertaining to said permit, any licensee or licensor of the applicant, and all vendors of fireworks covered by the permit to be issued to the applicant. Said policy of insurance shall be so written that it cannot be canceled without at least ten (10) day's prior written notice to the District 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 Idaho, and a copy of said policy shall be filed with North Ada County Fire Rescue prior to the issuance of the permit.

#### 3309.9 Authorized Dates for Sale and Use of Fireworks:

1. Non-aerial common "safe and sane fireworks" may be sold at retail and used beginning at twelve o'clock (12:00) midnight June 23, and ending at twelve o'clock (12:00) midnight July 5 and beginning at twelve o'clock (12:00) midnight December 26 and ending at twelve o'clock (12:00) midnight January 1.
2. Common fireworks may be sold and used at any time during the above periods in compliance with permits issued under provisions of this Section 3309.

#### 3309.10 Temporary Fireworks Stands:

Temporary fireworks stands from which "safe and sane fireworks" are to be sold shall be subject to the following provisions:

- A. All retail sales of "safe and sane fireworks" shall be permitted only from within a temporary fireworks stand, and the sale from any other building or structure is hereby prohibited.

B. The stand in which the fireworks will 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, flammable liquid dispensing device, tank filling operations, fuel tank vent tubes, or any other flammable or combustible materials.

C. All such stands shall meet the requirements of the current building code and all lighting circuits and other electrical equipment shall meet the requirements of the current electrical code. No heating device may be used in a temporary fireworks stand at any time.

D. The stand shall have exit doors at least thirty inches (30") wide at both ends of the structure and one (1) 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.

E. Each stand shall be provided with a minimum of two (2) two and one-half (2 ½) gallon water type fire extinguishers, plus one (1) 3A:40BC extinguisher, all 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.

F. 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 or be permitted inside of any stand where "safe and sane fireworks" are sold or offered for sale.

G. No person employed as a watchman shall be permitted to remain inside of any stand when it is not open for business.

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

I. During the first selling period, temporary stands shall be erected and ready for inspection by June 20. No temporary stand shall be erected before June 15 of any year. The premises on which the stand is erected shall be cleared of all structures and debris not later than twelve o'clock (12:00) noon of July 6. For the second selling period, temporary stands shall be erected and ready for inspection by December 21. No temporary stand shall be erected before December 15 of any year. The premises on which the stand is erected shall be cleared of all structures and debris not later than twelve o'clock (12:00) noon of January 3.

J. No fireworks shall be discharged in or within twenty-five feet (25') of any fireworks stand.

K. No person shall allow any rubbish to accumulate in or around any fireworks stand or permit a fire nuisance to exist. Only non-combustible waste containers shall be permitted within the stand.

L. 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 such places as are approved for storage of fireworks by the Fire Chief, or his/her designee.

M. No fireworks stand shall have a floor area in excess of eight hundred (800 ft<sup>2</sup>) square feet. Tents shall be allowed, providing they meet the requirements of the current fire code.

N. No stand shall be erected at a location where retail sales are not allowed under Zoning Ordinances.

O. No dry vegetation, Christmas trees, or any other combustible material may be stored, displayed, sold, or otherwise kept within twenty five (25') feet of a fireworks stand.

P. Short term storage shall be as follows:

(1) A short-term storage facility may be used for the storage on non-aerial common fireworks for a period of sixty (60) days prior to, and fifteen (15) days after, any authorized retail sales date. The Fire Department 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. If the short-term storage facility is not within the boundaries of North Ada County Fire Rescue, then the permittee shall notify the authority having jurisdiction where the storage is to take place.

(2) 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 any other inhabited building. Short-term storage may occur in a locked or secured shed, garage, barn or other building or stage container which is detached from an inhabited building and contains no open flames, including heating and lighting sources.

#### 3309.11 General Prohibitions:

It shall be unlawful for any person, except in compliance with this Section 3309 to:

A. Alter any fireworks;

B. Throw any fireworks from, into or at a moving vehicle or at any person;

C. Sell or use any fireworks at any time not permitted under this Section 3309;

D. Use fireworks in any area that constitutes a severe fire threat based on the vegetative conditions during the current fire season as determined by the Fire Chief or his/her designee, provided that notice of such areas is given in advance.

#### 3309.12 Liability of Parents or Guardians:

The parents, guardian or other persons having custody or control of minor shall be liable for damage caused by the use of fireworks by the minor.

#### 3309.13 Records to be kept:

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

#### 3309.14 Comply With Idaho State Fireworks Act

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 Section 3309. The conviction or violation of the aforementioned Idaho State Fireworks Act or any of the provisions of this Section 3309 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.

Fireworks being used in violation of Section 3309 may be confiscated by the Fire Department.