

CHAPTER 4
FIREWORKS

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5-4-1: **DEFINITIONS:** The term "fireworks", as used in this chapter, 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 (0.25) of a grain or less of explosive substance. (2010 Code)

5-4-2: **SALE OF FIREWORKS:**

- A. Permit Required: It is unlawful for any person, association or corporation to sell, store or keep for sale any fireworks within the city unless such person, association or corporation is the holder of a valid "permit for sale of fireworks". (1985 Code § 8.08.050; amd. 2010 Code)
- B. Application For Permit; Fee:
 - 1. Any person, association or corporation desiring to sell fireworks within the city shall make application to the city clerk for such permit.

Each applicant shall pay to the city clerk a fee of twenty five dollars (\$25.00) at the time of application. (1985 Code § 8.08.060; amd. 2010 Code)

2. Each applicant for a "permit to sell fireworks" shall show the following information on his application:

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 the fireworks.

d. The name and address of any wholesaler or distributor from whom the applicant intends to obtain fireworks.

e. The applicant's state sales tax permit number. (1985 Code § 8.08.080; amd. 2010 Code)

C. Issuance Or Denial Of Permit: Permits shall be granted only by the city council after investigation and recommendation by the fire marshal. 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 is denied, the permit fee shall be refunded. (1985 Code § 8.08.060; amd. 2010 Code)

D. One Location Only; Nontransferability; Term Of Permit: 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. (1985 Code § 8.08.060)

E. Sales Of Fireworks:

1. No 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 of July 25 of each year. (1985 Code § 8.08.070; amd. 2010 Code)

2. No one shall permit or authorize the sale, use or possession of any fireworks in violation of Idaho Code title 39, chapter 26. (1985 Code § 8.08.070)

5-4-3: PUBLIC DISPLAYS:**A. Application For Permit:**

1. Any person, association or corporation desiring to conduct a public display of fireworks within the city may apply for a permit therefor to the city clerk. (1985 Code § 8.08.090)

2. An applicant for a "fireworks permit for public display" shall furnish the following information to the city clerk:

a. Name and address of 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. (1985 Code § 8.08.100)

B. Grant Or Denial Of Permit: The city council shall have the power to grant or deny the permit after investigation and recommendation by the fire marshal. 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. (1985 Code § 8.08.090; amd. 2010 Code)

C. One Display Only; Investigation Charge: The permit shall be valid only for the public display for which applied. There shall be no fee charged for "fireworks permit for public display", but the city council may impose a reasonable charge, not to exceed seventy five dollars (\$75.00), for each permit to defray expenses of investigating the applicant. (1985 Code § 8.08.090)

5-4-4: REVOCATION OF PERMITS: Any permit granted under this chapter may be revoked by order of the fire marshal for any violation of law or ordinance committed or suffered to be committed by the permittee in connection with fireworks. (1985 Code § 8.08.110; amd. 2010 Code)

5-4-5: **VIOLATION; PENALTY:** Any person, association or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, may be punishable as provided in subsection 1-4A-1A of this code. (1985 Code § 8.08.120; amd. 2010 Code)