

CITY OF MERIDIAN ORDINANCE NO. 17-1758

BY THE CITY COUNCIL:

BIRD, BORTON, CAVENER,  
LITTLE ROBERTS, MILAM, PALMER

AN ORDINANCE OF THE CITY OF MERIDIAN IN ADA COUNTY, IDAHO, AMENDING MERIDIAN CITY CODE SECTION 5-4-10, REGARDING PUBLIC FIREWORKS DISPLAY; ADOPTING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Idaho State Fireworks Act of 1997 (Idaho Code §§ 39-2601 *et seq.*), specifically Idaho Code § 39-2605, authorizes the City of Meridian to require a permit for a public fireworks display; and

WHEREAS, the protection of persons and property from unreasonable fire hazards is in the best interest of the City of Meridian;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MERIDIAN, ADA COUNTY, IDAHO:

Section 1. That Meridian City Code section 5-4-10 shall be repealed, and replaced with language as follows:

**5-4-10: PUBLIC FIREWORKS DISPLAY:**

- A. No person, without having a valid City of Meridian Public Fireworks Display Permit issued pursuant to this chapter, shall possess or store dangerous fireworks for the purpose of public fireworks display, or cause dangerous fireworks to be possessed or stored for the purpose of public fireworks display, or discharge dangerous fireworks in any manner or for any use or purpose, or cause dangerous fireworks to be discharged in any manner or for any use or purpose.
- B. Public fireworks displays shall comply with regulations for the permitted display as regulated by NFPA 1123 *Code for Fireworks Display* (2014 edition), NFPA 1126 *Standard for the Use of Pyrotechnics Before a Proximate Audiences* (2016 edition), and NFPA 160 *Standard for the Use of Flame Effects Before an Audience* (2011 edition).
- C. Application for a public fireworks display permit shall be made to the City Clerk in such form and manner as the City Clerk may prescribe. Such application shall include, but shall not necessarily be limited to, the following information:
  - 1. Name, mailing address, physical address, phone number, and e-mail address of each and all of the following persons: applicant, owner of the property at which the display is to occur, and pyrotechnician operating the display.

2. Name and address of applicant's, property owner's, and pyrotechnician's registered agent for service of process.
3. Documentation and copies of qualifications of pyrotechnician, including copies of certifications, licenses, and a copy of government-issued photo identification.
4. Date(s) and times of the display, including set up time, display time, and length of show
5. Physical address of site at which public fireworks display is to occur.
6. Site plan, including the following:
  - a. Detailed layout of site, including all separation distance measurements. Separation distances must be compliant with NFPA standard 1123, including minimum secured diameter of site, vertical mortar, angled mortars offset justification, and mortars to special hazards.
  - b. Detailed layout of discharge site, including the location of all devices to be used during show, their required separation distances, and location of controllers.
  - c. Location of all spectator areas.
  - d. Detailed layout of fallout area, including offset measurements.
  - e. Detailed layout of preparation area, including 100-foot separation distance.
  - f. Detailed layout of fireworks storage area, including required separation distances and capacity and dates during which fireworks are to be stored.
  - g. Buildings on or in proximity to the display site.
  - h. Highways, streets, or alleys.
  - i. Special hazard locations (e.g., combustible fuel, flammables, explosives, toxic substances, places of detention and correction, health care facilities).
  - j. Location of possible overhead obstruction locations and utilities.
  - k. Location of area(s) affected by the flame effect device.
  - l. Types and locations of required fire extinguishers and supplemental fire protection features.
7. Description of fireworks to be used in the display, including:
  - a. Detailed list of devices to be used in each display per show which shall include number and type of all devices to be used, including classification (e.g., aerial shell, cake, mine, salute, ground display piece, comet, lance, etc.), type of match to be used (e.g., black, electric, quick match, etc.), and whether the fireworks are to be chain fused or individually shot.
  - b. Detailed list of flame effects to be used per show which shall include classification of effect (e.g., gas mine, ghost mine, etc.).
  - c. Detailed list of lift charges for gas mines including grams, type of powder, sealing method of charge, fuel type (e.g., gas, diesel, mixture, cremora, LPG, etc.), and type of match used.
  - d. Diagram of the mortar for flame effects showing pipe schedule size, wall thickness, height, width, and securing methods.
  - e. Diagram of the mortar racks detailing elevation of rack (if raised location provide elevation) rack location (ground, trailer, stand, etc.) construction elements of rack,

mortar pipe schedule including type, size, wall thickness, height, width, and rack securing methods. Mortar racks shall meet the construction recommendations of NFPA standard 1123.

8. Written copies of each and all of the following:
  - a. Procedure for sequence of operations for ignition of fireworks and flame effects, including ignition method (electronic, manual, automatic, etc.); controller manufacturer, model, and type (automatic, handheld, manual); number of manual and electronic shooters, and source of manual ignition (fusee, torch, portfire, etc.).
  - b. Communication plan and methods between the permit holder, property owner, and pyrotechnician before, during, and after the display.
  - c. Safety plan, including protocols for:
    1. Stopping the show for emergency response personnel, catastrophic failure, operator injury, hazardous debris falling on spectators, hazardous conditions identified by the Meridian fire chief or designee, and crowd control issues.
    2. Actions to be taken in the event that a shell fails to ignite in or discharge from a mortar, fails to function over the fallout area or other malfunctions, reporting methods and procedures for manually unfired shells including marking and warning of hazard to site personnel, and the disposal methods for unfired shells found in the post display sweep.
9. A certificate of insurance providing coverage of up to one million dollars (\$1,000,000.00) for personal injury and property damage, underwritten through or by a qualified and duly licensed insurance company licensed to do business in Idaho.
10. Application fee.
11. Fire department inspection fee.
- D. Upon receipt of all application materials required by this subsection, the City Clerk shall refer the application to the Fire Chief or designee, who shall review the application to determine the validity and completeness of the information therein. The Fire Chief shall make findings on the application and return it to the City Clerk for issuance or denial.
- E. Upon receipt of the findings of the fire chief or designee, but no later than thirty (30) calendar days from the date of submission of the completed application and all application materials required by this subsection, the City Clerk shall either issue a City of Meridian Public Fireworks Display Permit to the applicant, or deny the application. Where the City Clerk denies an application for a City of Meridian Public Fireworks Display Permit, the City Clerk shall notify the applicant of such denial in writing, which shall include notice of the right to appeal such decision as set forth in this subsection. Written notice of the denial shall be sent via U.S. mail to the applicant at the address set forth on the application.
- F. The city clerk shall deny an application for a Public Fireworks Display Permit where:

1. The application is incomplete or required application materials or fees have not been submitted within thirty (30) days from receipt of a partial application;
  2. Investigation of such application or application materials reveals that provided information is invalid, false, or incomplete;
  3. Investigation of such application or application materials reveals that the proposed public fireworks display will not be compliant with applicable laws, regulations, or standards; or
  4. The pyrotechnician does not have the requisite qualifications, certifications, and/or licenses for public fireworks displays, as set forth in NFPA provisions referenced above.
- G. Appeal of the City Clerk's issuance or denial of an application for a City of Meridian Public Fireworks Display Permit may be made by any person. Such appeal shall be made in writing, shall state the reasons for such appeal, and shall be delivered to the City Clerk via U.S. mail or in person within fourteen (14) days of such issuance or denial. Upon receipt of such written appeal, the City Clerk shall schedule a public hearing on the appeal at a City Council meeting within thirty (30) days. Following a public hearing on the appeal, City Council shall either affirm or reverse the City Clerk's action and shall issue written findings supporting such decision. The City Council's decision on such appeal shall be a final decision.
- H. The City Clerk, Fire Chief, or designee may revoke a City of Meridian Public Fireworks Display Permit where:
1. The permittee or any party operating under such permit conducts a use, condition, and/or activity not allowed under the terms of the permit, or violates a term, condition, or limitation of the permit.
  2. The permit is used by a different party than the party to whom it was issued.
  3. The permit was issued in error or in violation of any ordinance or law.
  4. The permittee fails to comply with any order or notice duly served in accordance with the provisions of this chapter or other applicable law.
  5. The permittee fails to comply with any provision of this code, including, but not limited to, this chapter.
  6. It is found, after issuance of such permit, that it was issued pursuant to falsified, inaccurate, or incomplete information on the application.
- I. Revocation shall be effective pursuant to one of the following procedures:
1. The City Clerk or designee may notify the permittee of such revocation in writing, and shall mail such notice to the applicant at the mailing address set forth in the Public Fireworks Display Permit application. Such revocation shall be effective immediately upon mailing by the city clerk.
  2. The Fire Chief or designee may summarily revoke the Public Fireworks Display Permit at any time, where he finds that the permitted fireworks display is to be conducted in a manner or under conditions which are or may pose a heightened risk of: fire, injury, or threat to public health, safety, or property. Such revocation shall be effective immediately upon verbal notice of to the permittee or pyrotechnician. Within two (2) working days of such summary revocation, the Fire Chief, City Clerk, or designee shall

send written notification of such revocation and the grounds therefor to the permittee, and shall mail such notice to the applicant at the mailing address set forth in the Public Fireworks Display Permit application.

- J. Appeal of a revocation of an application of a City of Meridian Public Fireworks Display Permit may be made by the permittee. Such appeal shall be made in writing, shall state the reasons for such appeal, and shall be delivered to the City Clerk via U.S. mail or in person within fourteen (14) days of the date of mailing such revocation. Upon receipt of such appeal, the City Clerk shall schedule a public hearing on the appeal at a City Council meeting within thirty (30) days. The City Council's decision on such appeal shall be a final decision.

**Section 2.** It is hereby declared to be the legislative intent that the provisions and parts of this ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

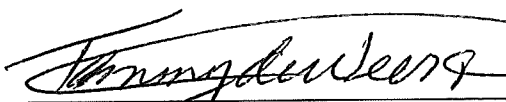
**Section 3.** All City of Meridian ordinances, or resolutions, or parts thereof, which are in conflict herewith, are hereby repealed.

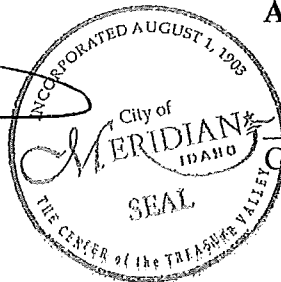
**Section 4.** That this ordinance shall be effective upon its passage and publication.

**PASSED** by the City Council of the City of Meridian, Idaho, this 19<sup>th</sup> day of December, 2017.

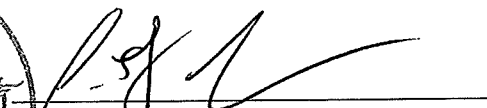
**APPROVED** by the Mayor of the City of Meridian, Idaho, this 19<sup>th</sup> day of December, 2017.

**APPROVED:**

  
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Tammy de Weerd, Mayor



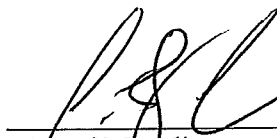
**ATTEST:**

  
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G. Jay Coles, City Clerk

NOTICE AND PUBLISHED SUMMARY  
OF ORDINANCE PURSUANT TO I.C. § 50-901(A)

CITY OF MERIDIAN ORDINANCE NO. 17- 1758

AN ORDINANCE OF THE CITY OF MERIDIAN IN ADA COUNTY, IDAHO, AMENDING MERIDIAN CITY CODE SECTION 5-4-10, REGARDING PUBLIC FIREWORKS DISPLAY; ADOPTING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

  
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City of Meridian  
Mayor and City Council  
By: C. Jay Coles, City Clerk

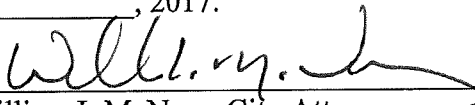


First Reading: 12/19/2017  
Adopted after first reading by suspension of the  
Rule as allowed pursuant to Idaho Code § 50-  
902: YES  NO   
Second Reading: -  
Third Reading: -

STATEMENT OF MERIDIAN CITY ATTORNEY AS TO  
ADEQUACY OF SUMMARY OF ORDINANCE NO. 17- 1758

The undersigned, William L.M. Nary, City Attorney of the City of Meridian, Idaho, hereby certifies that he is the legal advisor of the City and has reviewed a copy of the attached Ordinance no. 17- 1758 of the City of Meridian, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code § 50-901A(3).

DATED this 19 day of Dec, 2017.

  
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William L.M. Nary, City Attorney