



**ORDINANCE NO. 465**

**AN ORDINANCE REGULATING THE SALE, USE AND POSSESSION OF "SAFE AND SANE FIREWORKS" WITHIN THE CITY OF REXBURG, IDAHO; PROHIBITING THE SALE, USE AND POSSESSION OF "DANGEROUS FIREWORKS" WITHIN SAID CITY; PROVIDING FOR THE LICENSING OF THE SALE OF "SAFE AND SANE FIREWORKS" AND OF THE PUBLIC DISPLAY OF CERTAIN FIREWORKS; DEFINING "SAFE AND SANE FIREWORKS" AND "DANGEROUS FIREWORKS"; PROVIDING PENALTIES FOR VIOLATION OF THE ORDINANCE; REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.**

BE IT ORDAINED BY THE MAYOR, AND CITY COUNCIL OF THE CITY OF REXBURG, IDAHO:

**SECTION I: 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 require 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 II: DANGEROUS FIREWORKS:** "Dangerous fireworks" includes 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 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 balloons of any type which have burning material or any kind attached thereto.

**SECTION III: SAFE AND SANE FIREWORKS:** "Safe and Sane Fireworks" includes any of the following:

- A. Cone foundations 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-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; Snakes which do not contain bichloride of mercury and pyrotechnic composition not exceeding two (2) grams each;
- C. Wheels with pyrotechnic composition not exceeding sixty (60) grains for each driver unit of 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; 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 IV:** It shall be unlawful for any person, association or corporation to possess, keep, store, or use within the City of Rexburg any dangerous fireworks unless such person, association or corporation be the holder of a valid "Fireworks Permit for Public Display."

**SECTION V:** It shall be unlawful for any person, association, or corporation to sell, store, or keep for sale, any "safe and sane fireworks within the City of Rexburg unless such person, association or corporation be the holder of a valid "Permit for Sale of Safe and Sane Fireworks."

**SECTION VI:** Any person, association, or corporation, desiring to sell "safe and sane 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 \$10.00 at the time of application. Permits shall be granted only by the City Council after investigation and recommendation by the Chief of the Fire Department. No permit shall be granted for sale on premises or under any conditions which would violate any state law or any ordinance of Rexburg. If the application be denied, the \$10.00 permit fee shall be refunded. 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.

**SECTION VII:** No "safe and sane fireworks" shall be sold, or offered for sale except from the 26th day of June to the 26th day of July, inclusive, of any year.

**SECTION VIII:** Each applicant for a "permit to sell safe and sane fireworks" shall show the following information on his (or its) application:

- A. Name and address of applicant.
- B. The names and address of the officers of the applicant, if a corporation.
- C. The location of the place of sale of "safe and sane fireworks."
- D. The applicants state sales tax permit number.

**SECTION IX:** Fireworks Permit for Public Display.

Any person, association or corporation desiring to conduct a public display for fireworks within the City of Rexburg may apply for a permit therefore, to the City Clerk. The City Council shall have the power to grant or deny such application after investigation and recommendation by the Chief of Police and the Chief of the Fire Department. Such permit, if granted, shall authorize the permittee to purchase, transport, keep and use fireworks of all kinds for the purpose 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. 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 \$75.00 for each permit to defray expense of investigating the applicant.

**SECTION X:** 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 address 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.

**SECTION XI:** Any permit granted under the ordinance may be revoked by order of the Chief of the Fire Department or the Chief of the Police Department for any violation of law or ordinance committed or suffered to be committed, by the permittee in connection with fireworks.

**SECTION XII:** Any person, association or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, may be fined in any amount not in excess of \$300.00.

**SECTION XIII:** All ordinances and parts of ordinances in conflict herewith are hereby repealed.

**SECTION XIV:** This ordinance shall be in full force and effect from and after its passage, approval and due publication as provided by law.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 17th day of May, 1967.

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A.H. Brock, Mayor

(SEAL)

ATTEST:

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J. A. Smith, City Clerk

