

CHAPTER 2

FIREWORKS

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6-2-1: FIREWORKS: "Fireworks" shall include blank cartridges, party favors, toy pistols, toy cannons, toy canes, toy guns or similar devices in which more than twenty-five hundredths (.25) grain of explosive compound per cap or charge 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 visible or audible effect by combustion, deflagration, explosion or detonation.

6-2-2: 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 inches (10") in length or one-quarter inch ($\frac{1}{4}$ ") in diameter;
- (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 of any kind attached thereto;
- (K) Toy cannons which use a combustible or explosive substance for the purpose of producing a visible or audible effect.

6-2-3: SAFE AND SANE FIREWORKS: "Safe and sane fireworks" includes 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 inch (3/4");
- (C) Sparklers and "dipped sticks" not more than ten inches (10") in length or one-quarter inch (1/4") in diameter 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 of two hundred forty (240) grains for each complete wheel. The inside tube diameter of diver unit shall not exceed one-half inch (1/2");
- (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.

6-2-4: FIREWORKS PERMIT FOR PUBLIC DISPLAY REQUIRED: It shall be unlawful for any person to possess, keep store, use or discharge within the City any dangerous fireworks unless such person be the holder of a valid "Fireworks Permit for Public Display."

6-2-5: PERMIT FOR SALE OF SAFE AND SANE FIREWORKS: It shall be unlawful for any person to sell, store or keep for sale, any "safe and sane fireworks" within the City unless such person be the holder of a valid "Permit for Safe and Sane Fireworks."

6-2-6: APPLICATION: Any person desiring to sell "safe and sane fireworks" within the City shall apply to the City Clerk for a permit. Each applicant shall pay to the Clerk a permit fee of twenty-five dollars (\$25.00) at the time of application. If the application is denied, the permit fee shall be refunded. The application for a permit to sell "safe and sane fireworks" shall include the following information:

- (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 "safe and sane fireworks."

- (H) Each stand shall be provided with an approved fire extinguisher with at least a 2A rating.
- (I) At least one supervisor, eighteen (18) years of age or older, shall be present within the stand at all times the stand is open for business.
- (J) No fireworks shall be discharged within twenty-five feet (25') of any fireworks stand.
- (K) "No Smoking" signs shall be conspicuously and permanently displayed both inside and outside the stand. No smoking shall be permitted inside or within twenty-five feet (25') of the stand.

6-2-9: STORAGE AND TRANSPORTATION: "Safe and sane fireworks" shall be stored and transported within the City in compliance with the following standards:

- (A) Storage: Quantities of "safe and sane fireworks" greater than twenty-five (25) pounds shall not be stored in any building within the City, except within a temporary fireworks stand constructed in compliance with this chapter, unless a "Caution Fireworks" sign has been conspicuously posted on or in close proximity to the building. The sign shall be diamond-shaped, measure at least twelve inches (12") on each side, and be bright red in color. The sign shall carry the words "Caution Fireworks" in white block letters at least one inch (1") high.
- (B) Transportation: Quantities of "safe and sane fireworks" greater than twenty-five (25) pounds shall not be transported in any vehicle within the City unless "Caution Fireworks" signs are displayed on the vehicle. The signs shall be placed so that they are plainly visible from the rear and both sides of the vehicle. The shape, size, color and language of the signs shall be the same as for signs to be posted on buildings in which quantities of "safe and sane fireworks" greater than twenty-five (25) pounds are stored.

6-2-10: FIREWORKS PERMIT FOR PUBLIC DISPLAY; APPLICATION: Any person desiring to conduct a public display of fireworks within the City may apply for a permit therefor to the Clerk. The Council shall have the power to grant or deny such application after investigation and recommendation by the Chief of Police and the Fire Chief. 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. The permit shall be valid only for the public display for which applied. No fee shall be charged for a "Fireworks Permit for Public Display."

6-2-11: DATA FURNISHED: An applicant for a "Fireworks Permit for Public Display" shall furnish the following information to the Clerk:

- (A) Name and address of the 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.

6-2-12: PERMIT FOR SALE OF FIREWORKS AT WHOLESALE: It shall be unlawful for any person, association, corporation or any responsible person associated with an association or a corporation, to sell, convey or offer for sale at wholesale, or cause any other person to sell, convey or offer for sale at wholesale, any fireworks within the City, unless such person is the holder of a valid permit for wholesale sale of fireworks. For the purposes of this section, the term "responsible person" shall mean any person who owns at least ten percent (10%) of the capital assets or interest in profits and losses of an unincorporated association, or any person who holds or owns at least ten percent (10%) of the issued shares of the corporation.

6-2-13: APPLICATION FOR WHOLESALE PERMIT: Any person, association or corporation desiring to sell fireworks at wholesale within the City, shall make application to the City Clerk for a permit for sale of fireworks at wholesale. Each applicant shall pay to the City Clerk a fee of seventy-five dollars (\$75.00) at the time of application. Permits shall be granted only by the City Council after investigation and recommendation by the Fire Chief. 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 be denied, the permit fee shall be refunded forthwith. Each permit shall be valid only for one location designated in the permit. A permit shall not be transferable, assignable or renewable and shall be valid only for the year of its issue.

6-2-14: INFORMATION FURNISHED: Each applicant for a permit for sale of fireworks at wholesale shall provide the following information on his, her or its application:

- (A) The name and address of applicant or principal place of business.
- (B) The names and addresses of the officers of the applicant, if a corporation;
- (C) The names and addresses of any person owning at least ten percent (10%) of the capital assets or profits and losses, if an association.
- (D) The names and addresses of any person owning or holding ten percent (10%) or more of the issued shares of the corporation, if a corporation;
- (E) The applicant's state sales tax permit.

6-2-15: **SALE OF "DANGEROUS FIREWORKS" PROHIBITED:** It shall be unlawful for any person to sell, convey or offer for sale any dangerous fireworks to any person who is not a holder of a valid fireworks permit for public display, or who is not employed by a corporation or association who is a holder of such permit.

6-2-16: **WRITTEN RECORDS:**

- (A) Any person, association or corporation who holds a permit issued pursuant to this chapter and who purchases fireworks for the purpose of sale at retail, shall at the time such purchase is made, keep and maintain a written record containing the following information.
 - (1) The name and address of the wholesaler or distributor from whom the fireworks were purchased, and, if the wholesaler or distributor is a corporation or association, the name of every person who acted in behalf of such corporation or association;
 - (2) The date and location of the purchase;
 - (3) An itemized list describing the kind and nature of all fireworks purchased and the quantity thereof.
- (B) Such written record, or a true and correct copy thereof, shall be kept at the location where said fireworks are offered for sale at retail. It shall be unlawful for any person to fail or refuse to allow any police officer or officer from the Fire and Public Safety Division to inspect said record at any time during which the premises of the permittee are open for business.

6-2-17: **SEIZURE OF FIREWORKS:** Whenever there is probable

cause to believe that any person is selling fireworks without a permit required by this chapter, or that any person has sold or conveyed any fireworks contrary to the provisions of this chapter, then the Chief of Police may order any police officer to seize as evidence all fireworks offered for sale at the premises where such violation is alleged to have taken place. The Chief of Police shall hold the fireworks so seized pending trial or conviction of the person selling or offering the same for sale. In the event such person is convicted of selling fireworks contrary to this Chapter, then all rights to the fireworks shall be forfeited and the Chief of Police shall forthwith destroy the same.

6-2-18: **DISCHARGE OF FIREWORKS IN PUBLIC AREA:** It shall be unlawful for any person to ignite or discharge any fireworks during the time periods set forth below and within fifty feet (50') of the curb line along any parade route or within any area of public gathering designated by the Chief of Police, or to cause any ignited fireworks to be thrown or propelled into such area. Such time period shall commence one hour prior to the commencement of such parade and shall conclude one hour after the conclusion of the designated parade times, and with regard to other areas of public gathering designated by the Chief of Police, said time frame shall likewise be designated by the Chief of Police. In areas of public gathering designated by the Chief of Police, a public notice of such designation shall be posted in a conspicuous place at least once in every City block contained within said public area, which notice shall specifically describe the area and times within which this section shall apply.

6-2-19: **REVOCAION OF PERMIT:** Any permit granted under this chapter may be revoked by order of the Fire Chief or the Chief of Police whenever probable cause appears that the permittee has violated or is in violation of this chapter.