

TITLE 5—FIRE REGULATIONS

CHAPTER 1.—FIRE DEPARTMENT

5-1-1. Establishment of department.

A Fire Department of the city is hereby established.

5-1-2. Fire Chief.

A. ~~Department head.~~ The Fire Chief shall be an appointed position who shall perform all functions, powers and duties in this chapter provided as the head of the Fire Department.

B. ~~Functions, powers and duties.~~ In addition to those general functions, powers and duties given to the department head by other provisions of this Code, the Fire Chief shall:

- ~~1. Administer all programs and joint exercise of power agreements without other jurisdictions providing fire and life protection services and enforce all ordinances related to fire prevention, fire suppression, and the elimination of fire hazards and the administration of life safety codes related thereto by inspecting, or causing to be inspected by his or her designee, buildings, premises and public thoroughfares, within the corporate city limits for the purpose of enforcing the fire code and the appropriate sections of this code, and make such notes as necessary to detail the conditions found in such inspection which will be filed in the office of the department head.~~
- ~~2. Administer all programs related to prevention and control of hazardous materials releases.~~
- ~~3. Administer all emergency medical service programs offered by the city.~~
- ~~4. Enforce laws and ordinances relating to the prevention, elimination, control and extinguishing of fire hazards and fires, the keeping and handling of potentially dangerous combustibles, explosives and hazardous materials.~~
- ~~5. Perform services or functions relating to fire prevention, the control and extinguishment of fires, the prevention and control of hazardous materials releases, the provision of emergency medical services and other fire, hazardous material and emergency medical service matters and the enforcement of laws and ordinance related thereto.~~
- ~~6. Investigate, or cause to be investigated by his designee, any extinguished fire promptly and thoroughly for the cause of the fire, amount of loss and any other information deemed pertinent for purposes of recordkeeping.~~
- ~~7. In the event of an emergency, to blockade any street, avenue, alley, sidewalk or other place if necessary to ensure proper operation and protection of fire department equipment from damage.~~
- ~~8. Solicit, or cause to be solicited by his designee, police officers to assist in keeping streets and highways in the vicinity of an emergency free from vehicles, and solicit, or cause to be solicited by his designee, police and Code Enforcement Officers to assist in keeping fire lanes and fire apparatus access roads free from vehicles.~~
- ~~9. Propose to the Mayor and City Council and administer the Fire Department budget.~~
- ~~10. Recommend to the Mayor and the City Council the staffing needs of the department necessary to carry out the responsibilities herein provided for.~~
- ~~11. Perform all functions, powers and duties consistent with the laws of the state and the ordinances, policies and directives of the City Council, and the Mayor, given to or required of the Fire Chief.~~
- ~~12. Perform such other programs or functions, related to fires, hazardous materials and emergency medical services that the City Council, or the Mayor may, from time to time, authorize or request.~~

Commented [EK1]: Proposed plan:

- Move Fire admin sections to Title 1 (officer appointments)
- Move Fireworks permitting regulations to Title 3, Chapter 8 (currently Private Security Standards)
- Move Title 3, Chapter 8 (Private Security Standards) to Title 6, Chapter 3 (misdemeanors/infractions)
- Move Air Quality/Burning regulations to Title 4 (Public Health and Safety)
- Move Parks Code to Title 5 (formerly Fire)
- Rename Title 6 “Public Safety” (currently Police)
- Rename Title 3 “Permits and Licenses” (currently Business & License Regulations)
- Rename Title 4 “Public Health” (currently Public Health and Safety)
- Eliminate Titles 12 (currently empty) and 13 (currently Parks)

Commented [EK2]: Move to Title 1 – Officer appointments.

Commented [EK3]: Move to Title 1 – Officer appointments.

~~5-1-3. Prohibiting interference to response of an emergency.~~

~~It shall be unlawful to impede, willfully disturb or otherwise interfere with any member of the Fire Department when answering or attending an emergency, and it shall be unlawful to park within five hundred (500) feet of any emergency vehicle attending to an emergency.~~

Commented [EK4]: Move to (new) Meridian City Code section 6-3-8 (misdemeanors/infractions).

~~CHAPTER 3. – CLEAN AIR REGULATIONS~~

~~CHAPTER 4. – BURNING REGULATIONS~~

Commented [EK5]: Move to Title 4, Chapter 4 and renumber

~~5-3-1. Short title.~~

~~This chapter shall be known and cited as the "Meridian Clean Air Ordinance."~~

~~5-3-2. Purpose.~~

~~The purpose of this chapter is to protect air quality resources vital to the public health, safety, and welfare of Meridian residents and the economic future.~~

~~5-3-3. 4-4-1. - Definitions.~~

~~In addition to the definitions set forth in other applicable state and federal laws and city ordinances, including, but not limited to, title 10 of this Code and the codes incorporated by reference therein, for the purpose of this chapter, the following terms, phrases, words, and derivations all have the meanings given herein. The word "shall" is always mandatory and not merely directory.~~

~~As used in this Chapter, terms used shall be defined as set forth in title 10 of this Code, the codes incorporated by reference therein, and the regulations of the Idaho Department of Environmental Quality. Further, for the purposes of this chapter, the following words and phrases, and derivations thereof, shall be defined as follows:~~

A. Air quality index (AQI) means a system used by the Idaho Department of Environmental Quality (DEQ) to report daily air pollution levels to the public. Monitored air pollution levels are converted to a uniform scale ranging from zero (0) to five hundred (500) ~~with the pollutant that has the highest ambient concentration measured in a given area determining the AQI.~~

B. Burn down means that period of time required for the cessation of combustion and/or burning.

C. Economic hardship means fifty (50) percent or less of Ada County's median income as established by the U.S. department of housing and urban development.

D. Incinerator means any device designed or operated to reduce the volume of refuse or solid waste by burning. Pathological incinerators are excluded from this definition.

E. Open burning means the combustion of any material not contained in a heating appliance or incinerator.

F. Operator means any person owning solid fuel burning equipment, or who is responsible for placing fuel into or igniting fuel within a solid fuel heating appliance.

~~Permit holder~~ means ~~any person issued a City of Meridian burning permit.~~

Commented [EK6]: MFD does not issue burn permits

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~~Person means any individual, firm, partnership, association, corporation, company, organization or governmental entity.~~

~~Refuse means all solid waste, garbage, and rubbish, including, but not limited to, cardboard, plastic, rubber, Styrofoam, petroleum products, foodstuff, Christmas trees, yard debris, or chemically treated wood.~~

G. Sole source of heat means one (1) or more solid fuel heating devices which constitute the only source of heat in a building for the purpose of space heating. No solid fuel heating device(s) shall be the sole source of heat if the building is equipped with a permanently installed furnace or heating system designed to heat the building, whether that is connected or unconnected from its energy source, utilizing oil, natural gas, electricity or propane.

H. Solid fuel heating appliance means an enclosed device designed for solid fuel combustion, including, but not limited to, a wood stove.

5-3-4. – Air quality determination.

~~Air quality within the City of Meridian shall be determined by referencing daily areawide pollutant levels, known as the area's air quality index, as reported by the Idaho Department of Environmental Quality.~~

Commented [EK7]: Unnecessary

5-3-5. – Heightened air quality index prohibitions. 4-4-2. – Burning regulations.

A. AQI of 74 or greater. Whenever the Idaho Department of Environmental Quality reports an air quality index of seventy-four (74) and forecasts air stagnation conditions to continue for at least twenty-four (24) hours, the following additional restrictions and/or prohibitions shall apply:

1. ~~Appliances and fireplaces.~~ All wood burning, including, but not limited to, burning within a solid fuel heating appliance or fireplace, shall be prohibited, except that a person who commenced wood burning prior to the issuance of ~~a the report of an air quality index of seventy four (74) and a forecast of air stagnation conditions to continue for at least twenty four (24) hours~~ shall have a burn down period of three (3) hours, after or within which period combustion and/or burning must cease. ~~No person undertaking a burn down under this exception shall cause or allow wood burning, unless an exemption has been granted by the Fire Chief or his designee. A person may apply for an exemption from this section by contacting the Fire Chief or designee and demonstrating that:~~
 - a. The solid fuel heating appliance is the sole source of heat for the structure in which it is situated; or
 - b. The household using the solid fuel heating appliance demonstrates an economic hardship.Any building constructed after March 14, 2006 shall not be eligible for an exemption. Appeal of the Fire Chief's denial of an exemption may be made by the applicant for such exemption. Such appeal shall be made in writing, shall state the reasons for such appeal, and shall be received by the City Clerk within two (2) business days of such denial. Upon receipt of such written appeal, the City Clerk shall schedule a public hearing on the appeal at the next available City Council meeting. Following a hearing on the appeal, City Council shall either affirm or reverse the Fire Chief's action. The City Council's decision on such appeal shall be a final decision.

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2. ~~Incinerators.~~ No person shall operate, or cause or allow the operation of, a solid waste incinerator. ~~This chapter shall not apply to pathological incinerators.~~

B. AQI of 60 or greater. All open burning, even if a valid permit has been issued or no permit is required, is prohibited when the air quality index reaches sixty (60) or higher ~~for any pollutant.~~

C. ~~Holders of valid burning permits and persons igniting a fire for which no permit is required, including, but not limited to, operators of solid fuel heating appliances, shall determine the air quality index and air stagnation forecasts prior to igniting such fires, and shall monitor the air quality index and air stagnation forecasts throughout burning and/or use of such appliances. The air quality index and air stagnation forecast may be determined by contacting the Idaho Department of Environmental Quality.~~

Commented [EK8]: Pollutant levels are measured, but they don't each have their own AQI.

Commented [EK9]: MFD does not require burn permits.

~~5-3-6. Burning solid fuel or refuse.~~

~~A.C. Wood-burning appliances.~~ No person shall cause or allow the burning of any matter other than wood fuel in a solid fuel heating appliance designed for wood fuel. Such prohibition shall include, but is not limited to, refuse or coal.

B. ~~Incinerators.~~ No person shall cause or allow an incinerator to be operated contrary to the design, specifications, manufacturer's instructions and/or laws pertaining thereto.

Commented [EK10]: Recommend not enforcing manufacturer's instructions via City Code.

D. Burn ban. No person shall cause or allow any burning or any matter whatsoever during a burn ban or no-burn day as designated by the Idaho Department of Environmental Quality.

Commented [EK11]: DEQ website calls it a burn ban; IDAPA IDAPA 58.01.01.623 calls it a no-burn.

~~5-3-7. Applicability of chapter.~~

~~Nothing in this chapter is intended to conflict with, supersede, repeal, or affect any applicable state or federal laws, rules, and/or regulations.~~

~~5-3-8.4-3. - Enforcement and penalty.~~

A. Enforcement. The City of Meridian's Fire Chief or his designee and/or any law enforcement officer shall have the authority to enforce the provisions of this chapter.

B. ~~Penalties.~~ Each violation of any regulation hereunder or the provisions of any permit issued pursuant hereto shall be a misdemeanor, and for each day said violation shall continue, shall constitute a separate offense hereunder. Such violation shall be punishable as provided in section 1-2-1 of this Code.

B. Penalty. A person violating any provision of this chapter shall be guilty of an infraction, punishable by a fine of one hundred dollars (\$100.00). Each day or portion of a day during which said violation occurs shall constitute a separate offense.

Commented [EK12]: Changed from misdemeanor to infraction.

~~5-3-9. Exemptions.~~

A. Grant by City Clerk. The City Clerk shall grant exemptions from this chapter if it is determined by the Fire Chief or Designee that:

Commented [EK13]: Moved to Meridian City Code section 4-4-2(A)(1).

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1. ~~A solid fuel heating appliance is the sole source of heat for the structure in which it is situated; or~~
 2. ~~Using alternative heating would cause an unreasonable economic hardship.~~
- B. ~~Denial of exemption; hearing.~~ Any person denied an exemption under this chapter shall be provided, at the option of the applicant for the exemption, a hearing before the Mayor and City Council.
- C. ~~Noneligibility for exemption.~~ Any building constructed after the effective date hereof shall not be eligible for an exemption from this chapter.

5-3-10. – Reserved.

CHAPTER 48. - FIREWORKS

5-4-1. – Short title.

This chapter shall be known as the "Meridian Fireworks Ordinance."

5-4-2. 3-8-1. - Definitions.

For the purposes of this chapter, the following words and phrases, and derivations thereof, shall be defined as follows:

A. Caretaker unit means a recreational vehicle or motor vehicle ~~equipped as living quarters~~ parked at the site of an operation for the purpose of providing security for ~~an~~ the operation during nonbusiness hours. ~~This definition shall not include camping tents.~~

B. Dangerous fireworks means all fireworks other than nonaerial common fireworks.

C. Fireworks 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., ~~including~~ 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 (.25) of a grain or less of explosive substance.

D. Nonaerial common fireworks means any fireworks such as ground spinners, fountains, sparklers, smoke devices or snakes designed to remain on or near the ground and not to travel outside a fifteen-foot diameter circle or emit sparks or other burning material which land outside a twenty-foot diameter circle or above a height of twenty (20) feet. Nonaerial common fireworks shall not include firecrackers, jumping jacks, or similar products.

E. Flame effects shall be defined as set forth in NFPA 160, Standard for the Use of Flame Effects Before an Audience.

~~Novelty fireworks means 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.~~

Commented [EK14]: Move to Title 3, Chapter 8 and renumber all sections

Commented [EK15]: Moved to Meridian City Code section 3-8-3(E).

Commented [EK16]: Updated per definition in Idaho Code section 39-2602(3).

Commented [EK17]: Covered by Idaho Code section 39-2602(6).

Commented [EK18]: NFPA 160 section 3.3(13) defines as "The combustion of solids, liquids, or gases to produce thermal, physical, visual, or audible phenomena before an audience." Covers indoor pyrotechnic displays, fire dancers, etc.

Commented [EK19]: Covered by definition of fireworks.

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F. NFPA means the National Fire Protection Association.

G. Operation means a business, whether formally or informally organized, ~~in~~ at which the operator sells fireworks ~~at retail.~~

Commented [EK20]: Eliminates potential wholesale loophole.

H. Operator means any person, sole proprietor, partnership, or corporation selling fireworks at retail. This definition shall include such operator's agents, employees, partners, and officers.

I. Permittee means the person to whom a nonaerial common fireworks permit or public fireworks display permit is issued pursuant to this chapter.

J. Public fireworks display means the discharging of fireworks or use of flame effects ~~for the purpose of producing in a manner that produces~~ a visible or audible effect, whether outdoors or indoors. This definition shall not include the discharging of novelty fireworks.

Commented [EK21]: Brings all pyrotechnics under regulations and permitting requirements.

K. Short-term storage container means any container, including, but not limited to, a temporary fireworks stand, tent, truck, trailer, vehicle, fully enclosed intermodal container, shed, garage, barn, outbuilding, or other permanent or temporary structure, that is used for the storage of ~~nonaerial common fireworks, when:~~

Commented [EK22]: Rearranged to condense definition.

A. ~~The nonaerial common fireworks stored therein are possessed under the authority of a nonaerial common fireworks permit and:~~

1. ~~The operation is closed, and/or~~

2. ~~Such fireworks are inventory and/or not actively being sold or offered for sale.~~

B. ~~The nonaerial common fireworks stored therein are possessed under the authority of a public fireworks display permit and such fireworks are not actively being used for public fireworks display.~~

Commented [EK23]: Short-term storage containers are regulated regardless of the purpose of the fireworks stored inside.

Except as otherwise provided in this chapter, for purposes of this definition, short term storage facilities may include, but are not limited to, the following, where fireworks are stored therein: any stand, tent, truck, trailer, or other vehicle; a fully enclosed intermodal container; or a shed, detached garage, barn, outbuilding, or other permanent structure.

L. Summer sales and use period means from 11:59 p.m. June 22 to 11:59 p.m. July 5 midnight on June 23 to midnight on July 5.

Commented [EK24]: Changed to match terminology in Idaho Code section 39-2606.

M. Temporary fireworks stand means a temporary ~~stand~~ booth or tent from which nonaerial common fireworks are sold and/or offered for sale. A temporary fireworks stand may serve as a short term storage container pursuant to the provisions of this chapter.

Commented [EK25]: Addressed in definition of short-term storage container.

N. Winter sales and use period means from 11:59 p.m. December 25 to 11:59 p.m. January 1 midnight on December 26 to midnight on January 1.

Commented [EK26]: Changed to match terminology in Idaho Code section 39-2606.

5-4-3. ~~Sale, storage, possession, and/or discharge of fireworks.~~

A. ~~The sale, storage, possession, and/or discharge of dangerous fireworks is prohibited at all times, except where such sale, storage, possession, and/or discharge complies with:~~

1. ~~A public fireworks display permit validly issued pursuant to this chapter; and~~

2. ~~All provisions of this chapter.~~

Commented [EK27]: Covered by Meridian City Code section 3-8-3(A)

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~~B. The sale, storage, possession for purposes of sale, and/or possession for purposes of storage of nonaerial common fireworks is prohibited at all times, except that nonaerial common fireworks may be sold and/or stored during the summer sales period or the winter sales period so long as such sale and/or storage complies with:~~

- ~~1. A nonaerial common fireworks permit validly issued pursuant to this chapter or a public fireworks display permit validly issued pursuant to this chapter; and~~
- ~~2. All provisions of this chapter.~~

Commented [EK28]: Covered by Meridian City Code section 3-8-4(D)

~~C. The possession for purposes of discharge and/or discharge of nonaerial common fireworks is prohibited at all times, except that nonaerial common fireworks may be possessed and/or discharged during the summer sales period, the winter sales period, or the period specified in a validly issued public fireworks display permit, so long as such possession and/or discharge complies with all provisions of this chapter.~~

Commented [EK29]: Covered by Meridian City Code section 3-8-9(F)

~~D. Novelty fireworks may be sold, stored, possessed, and/or discharged at any time.~~

~~5-4-4. Inspections by Fire Chief.~~

Commented [EK30]: Covered by Title 1 – Fire Chief duties.

The Fire Chief and/or his or her designee shall be authorized to:

- ~~A. Inspect any and all operations at which fireworks are sold, offered for sale, and/or stored to ensure compliance with this chapter and any and all other applicable laws.~~
- ~~B. Inspect any and all temporary fireworks stands from which fireworks are sold, offered for sale, and/or stored.~~
- ~~C. Inspect and/or require operator to produce any records required by law.~~
- ~~D. Revoke a nonaerial common fireworks permit or public fireworks display permit on the grounds and pursuant to the procedures set forth in this chapter.~~
- ~~E. Conduct any other inspections or undertake any other acts authorized by this chapter and any and all other applicable laws.~~

~~5-4-5. 3-8-2. - Permit for retail sales of nonaerial common fireworks.~~

Commented [EK31]: Eliminates potential wholesale loophole

- ~~A. Permit required. No person, without having a valid nonaerial common fireworks permit issued pursuant to this chapter, shall offer for sale, possess or store for the purpose of sale, sell, cause to be offered for sale, cause to be possessed or stored for the purpose of sale, or cause to be sold nonaerial common fireworks in any manner or for any use or purpose. A separate permit shall be held for each and every operation and location at which nonaerial common fireworks are to be sold and/or offered for sale. A nonaerial common fireworks permit issued pursuant to this chapter shall be valid for only the specific dates and location designated in the permit, and shall be nontransferable.~~
- ~~B. Application. Application for a nonaerial common fireworks permit shall be made to the City Clerk in such form and manner as the City Clerk may prescribe. A separate application shall be filed for each and every operation and location at which nonaerial common fireworks are to be sold and/or offered for sale. Such application shall include, but shall not necessarily be limited to, the following:~~

Commented [EK32]: Changed to require a new permit for each sales period. Allows MFD to be aware of and inspect each setup, prevents inventory from being stored in city limits (in unknown locations) between summer and winter in unknown locations.

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1. Applicant's name and date of birth;
 2. Physical and mailing addresses of applicant's home and business;
 3. Name and address of applicant's registered agent in the state of Idaho for service of process;
 - ~~4. Idaho sales tax identification number, if applicable;~~
 - ~~5. Applicant's driver's license number and issuing state;~~
 - ~~6.4.~~ Physical address and description of each and every location at which fireworks are to be stored;
 - ~~7.5.~~ Dates during which ~~nonaerial common~~ fireworks are to be stored;
 - ~~8.6.~~ Physical address and description of any and all locations at which ~~nonaerial common~~ fireworks are to be sold and/or offered for sale;
 - ~~9.7.~~ Dates during which ~~nonaerial common~~ fireworks are to be sold and/or offered for sale;
 - ~~10.8.~~ A site plan, which shall include a description of all of the following on the parcel on which the fireworks stand and short-term storage container is to be placed, and on adjacent parcels:
 - a. Location, type, and dimensions of any temporary fireworks stands, and/or short-term storage containers, and/or caretaker units to be located at the sales site;
 - b. Parking areas;
 - c. Vision sight triangle, if located on a corner;
 - d. Waste receptacles or garbage cans;
 - e. Location and type of electrical source(s); and
 - f. Location and dimensions of signs;
 - g. Vehicle fuel dispensing stations or tanks;
 - h. Flammable and combustible liquid or gas aboveground tank storage
 - i. Combustible storage;
 - j. Permanent or temporary generators;
 - k. Location and type of portable fire extinguishers;
 - l. Means of ingress, egress, and discharge paths to and from the site; and
 - m. Permanent and temporary buildings.
 - ~~11.9.~~ Application fee as set forth in the fee schedule of the City Clerk's office for each ~~and every~~ operation for which a permit is sought;
 - ~~12.10.~~ Fire Department and electrical inspection fees for each ~~and every~~ operation for which a permit is sought;
 - ~~13.11.~~ Other inspection and permitting fees as may be applicable;
 - ~~14.12.~~ A certificate of insurance providing coverage of up to one hundred thousand dollars (\$100,000.00) for personal injury and property damage, underwritten through or by a qualified and duly licensed insurance company or companies doing or authorized to do insurance business in Idaho. Proof of an insurance policy, issued by an insurance company authorized to do business in Idaho, covering all claims which may arise from or in connection with the public fireworks display. Such insurance shall afford minimum limits of one million dollars (\$1,000,000.00) for each occurrence of bodily injury and property damage, and one million dollars (\$1,000,000.00) general aggregate for general liability.
- C. Application review and inspections. The City Clerk or designee shall direct the Fire Building, and Police Department to review the application, and shall request that the Fire Chief or designee and the Electrical Inspector conduct a site inspection at each operation, in order to determine:
1. Whether the proposed operations, activities, and/or uses operation, as proposed, will be conducted in compliance with this chapter and any other applicable laws; and
 2. Whether use issuance of such permit by to applicant will likely endanger the health, safety, and/or welfare of persons or property.

Commented [EK33]: Not needed; City does not do background checks for fireworks stand operators.

Commented [EK34]: Applies to all fireworks; eliminates potential loophole

Commented [EK35]: Updated to conform to 2024 IFC section 5609, retail sales of consumer fireworks.

Commented [EK36]: Updated after consulting with City's insurance agent.

Commented [EK37]: Only MFD reviews these applications and conducts investigations.

D. Application deadlines. Complete applications for nonaerial common fireworks permits authorizing the permittee to sell nonaerial common fireworks during the summer sales period shall be filed with the City Clerk on or before June 1, or the next business day if such date falls on a nonbusiness day. Complete applications for nonaerial common fireworks permits authorizing the permittee to sell nonaerial common fireworks during the winter sales period shall be filed with the City Clerk on or before December 1, or the next business day if such date falls on a nonbusiness day.

E. Action on application. Upon completion of staff review, but no later than fourteen (14) 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 and provide the license to the applicant or deny the application.

F. ~~Reserved.~~

G-F. Grounds for denial. The City Clerk shall deny an application for a nonaerial common fireworks permit if:

- ~~1. Where the applicant has been convicted in the preceding ten (10) years of any crime involving fraud, larceny, arson, or illegal possession or sale of fireworks, including, but not limited to, a violation of title 39, chapter 26, Idaho Code;~~
- ~~2. Where the applicant has been convicted in the preceding one (1) year of a violation of the Unified Development Code of the City of Meridian.~~
 1. The application is incomplete or required application materials or fees have not been submitted;
 2. Investigation of such application or application materials reveals that provided information is invalid, false, or incomplete;
- ~~3. Where the city The City has revoked from applicant a nonaerial common fireworks permit issued pursuant to this chapter, in the preceding one (1) year;~~ or
4. ~~Where the Planning Department, Building Department, The Fire Department or Police Department~~ reports that:
 - a. The proposed operations, activities, and/or uses are not in compliance with this chapter; or
 - b. Use of such permit will constitute an unreasonable hazard to persons or property.

~~Any denial of an application for a nonaerial common fireworks permit shall be made in writing and shall describe the reason(s) for such denial. Such written denial shall be deemed effective immediately upon personal service to the permittee or mailing by U.S. post to the applicant's mailing address as set forth in the application. The applicant may request a hearing on such denial before the City Council. Such hearing shall be scheduled as practicable at the next regularly scheduled meeting of the City Council. At such hearing the City Clerk shall present findings and information as to the basis of the denial. The City Council shall have the authority to affirm the denial or order the City Clerk to grant the permit. The action of the City Council shall be final.~~

G. Denial procedure. The City Clerk or designee shall notify the applicant of such denial as set forth in Meridian City Code section 3-1-4.

H. Appeal of denial. Appeal of the City Clerk's denial of an application for a nonaerial common fireworks permit may be made by the applicant as set forth in Meridian City Code section 3-1-5.

Commented [EK38]: We don't do background checks on fireworks stand operators.

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~~H. A nonaerial common fireworks permit issued pursuant to this chapter shall be valid for twelve (12) months from the date of issuance and for only the specific dates and location designated in the permit, and shall be nontransferable.~~

I. *Content.* The City of Meridian nonaerial common fireworks permit issued by the City Clerk shall include:

1. The name of the individual licensed to operate within the City under such license;
2. The dates during which such license is valid.
3. Any conditions of operation that, in addition to those set forth in this chapter, are necessary to protect the public health, safety, and welfare.

~~H.J. *Grounds for revocation.* In addition to any and all other applicable civil or criminal penalties, the City Clerk, the Fire Chief, or a designee of either, may revoke a nonaerial common fireworks permit issued pursuant to this chapter where:~~

- ~~1. The operator 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 or of this chapter.~~
- ~~2. The operator violates conditions and/or limitations set forth in the permit.~~
- ~~3. The application for the permit contains any false statements or misrepresentations.~~
- ~~4-2. The permit is used by a different operator or operation than to whom it was issued.~~
- ~~5-3. The permit was issued in error or in violation of any ordinance or law.~~
- ~~6-4. The permittee fails to comply with any order or notice duly served in accordance with the provisions of this chapter or other applicable law.~~
- ~~7-5. The permittee fails to comply with any provision of this Code law, 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.~~

~~Any revocation of a nonaerial common fireworks permit shall be made in writing and shall describe the reason(s) for such revocation. Such written revocation shall be deemed effective immediately upon personal service to the permittee or mailing by U.S. post to the permittee's mailing address as set forth in the application. The permittee may request a hearing on such revocation before the City Council. Such hearing shall be scheduled as practicable at the next regularly scheduled meeting of the City Council. At such hearing, the City Clerk, the Fire Chief, or the designee thereof who revoked the permit shall present findings and information as to the basis of the revocation. The City Council shall have the authority to affirm the revocation or order the City Clerk to reinstate the permit. The action of the City Council shall be final.~~

K. *Revocation procedure.* Revocation of a nonaerial common fireworks permit shall be effective pursuant to one (1) of the following procedures:

1. The City Clerk or designee may notify the licensee or permittee of the revocation of a nonaerial common fireworks permit as set forth in Meridian City Code section 3-1-4.
2. The Fire Chief or designee may summarily revoke the permit at any time, where he finds grounds therefor as set forth in this chapter which revocation shall be effective immediately upon verbal notice to the permittee or any party operating under such permit. Within one (1) working day of such summary revocation, the Fire Chief, City Clerk, or designee shall send written notification of such revocation and the grounds therefor as set forth in Meridian City Code section 3-1-4.

~~H.L. *Appeal of revocation.* Appeal of a revocation of a nonaerial common fireworks permit may be made by the permittee. Such appeal shall be made in writing, shall state the reasons for such appeal, and~~

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~~shall be delivered to the City Clerk via U.S. mail or in person within seven (7) days of the date of mailing effective date of such revocation. Upon receipt of such appeal, the City Clerk shall schedule a public hearing on the appeal at a City Council meeting within fourteen (14) days. The City Council's decision on such appeal shall be a final decision, as set forth in Meridian City Code section 3-1-5.~~

M. Nontransferable. A [license/permit] is not transferable or assignable.

N. Expiration. Unless earlier revoked, a nonaerial common fireworks permit shall expire at the end of the sales and use period in which it was issued.

5-4-6. – Retail 3-8-3. – Regulations regarding sales of nonaerial common fireworks.

~~The following provisions.~~ In addition to the applicable provisions of the version of the International Fire Code currently in effect, the following provisions shall apply to each and every operation. Where the provisions of the International Fire Code and the provisions of this section conflict, the provisions of this section shall apply. ~~The sale of nonaerial common fireworks in violation of this section or in any manner or by any means not in accordance with the provisions of this section shall be unlawful.~~

- A. No sales without permit. No person, without having a valid nonaerial common fireworks permit issued pursuant to this chapter, shall offer for sale, possess for the purpose of sale, sell, cause to be offered for sale, cause to be possessed for the purpose of sale, or cause to be sold nonaerial common fireworks in any manner or for any use or purpose.
- B. One per parcel. Only one (1) temporary fireworks stand shall be allowed per ~~site~~ parcel.
- C. Set up and removal. ~~No temporary fireworks stand~~ Temporary fireworks stands used during the summer sales period shall not be erected in place before June 15. ~~The premises on which such temporary fireworks stand is erected shall be cleared of any and all temporary fireworks stands and debris not later than and shall be removed by 12:00 p.m. (noon) on July 126. No temporary fireworks stand~~ Temporary fireworks stands used during the winter sales period shall not be erected in place before December 15, ~~and, The premises on which such temporary fireworks stand is erected shall be cleared of any and all temporary fireworks stands and debris not later than shall be removed by 12:00 p.m. (noon) on January 83.~~
- D. Sales periods. The sale, storage, possession for purposes of sale, and/or possession for purposes of storage of nonaerial common fireworks is prohibited at all times, except that:
 - 1. Nonaerial common fireworks may be possessed, sold, and/or stored during the summer sales period or the winter sales period so long as such possession, sale, and/or storage complies with a nonaerial common fireworks permit validly issued pursuant to this chapter and all regulations set forth in this chapter; and
 - 2. Persons holding a public fireworks display permit may possess and/or store nonaerial common fireworks pursuant to the terms of a public fireworks display permit validly issued pursuant to this chapter and all regulations set forth in this chapter.
- ~~D-E.~~ Caretaker unit. One (1) caretaker unit may be allowed per ~~sales permitted operation~~ site and shall be used only for the purpose of security of an operation. Such caretaker unit shall be located a minimum of twenty-five (25) feet from any temporary fireworks stand or short-term storage container. Caretaker units used during the summer sales period shall not be placed at

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the sales site before June 15 and shall not remain at the site after 12:00 p.m. (noon) on July ~~126~~. Caretaker units used during the winter sales period shall not be placed at the sales site before December 15 and shall not remain at the site after 12:00 p.m. (noon) on January ~~83~~. Only a recreational vehicle or motor vehicle may be used as a caretaker unit. A tent shall not be used as a caretaker unit.

~~E.F.~~ No sales in residential districts. The sale of fireworks shall be prohibited in residential districts as such districts are defined by the Meridian Unified Development Code.

~~F.G.~~ No sales in right-of-way. Nonaerial common fireworks and/or related merchandise shall not be sold or offered for sale, structures or signs shall not be erected, and/or business shall not be conducted within the public right-of-way. ~~right of way, unless otherwise authorized by the appropriate transportation authority. If a private sidewalk or pedestrianway is occupied by a structure, stand, tent, or sign associated with an operation, a minimum width of four (4) feet shall remain unobstructed along the entire width of such private sidewalk or pedestrianway. If such private sidewalk or pedestrianway is narrower than four (4) feet wide, at least one half (½) of the width thereof shall remain unobstructed along the entire width of such private sidewalk or pedestrianway.~~

~~G.H.~~ Access. No entrance and/or exit drive providing ingress or egress to an operation shall cause a traffic hazard or nuisance. Operators shall comply with all rules and standards for roadway access as established by the ~~appropriate~~ transportation authority.

~~H.I.~~ Parking. No operation shall sell or offer for sale nonaerial common fireworks ~~and/or offer nonaerial common fireworks for sale~~ at a location lacking adequate off-street parking upon asphalt or other dustless material. Inadequate parking shall include, ~~but shall not be limited to,~~ such situation where parking by patrons of the operation ~~displace off street~~ displacement of off-street parking spaces or loading areas serving the site's permanent and/or primary use(s).

~~I.J.~~ Equipment. Compressors, fans, pumps, and/or other motorized equipment utilized by an operation shall be located and/or shielded in a manner that prevents unreasonable noise.

~~J.K.~~ No permanent structures. No person shall construct, ~~or~~ cause to be constructed, or use any permanent structure for the sale and/or offering for sale of nonaerial common fireworks. No operator may sell or offer for sale nonaerial common fireworks from or in a permanent structure.

~~K.~~ No person shall have an open flame or use an exposed element heating device in any temporary fireworks stand.

~~L.~~ Minimum age. During business hours, each and every operation shall be staffed by at least one (1) person who is twenty-one (21) years of age or older.

~~M.~~ No person under sixteen (16) years of age shall be allowed in the nonpublic areas of a temporary fireworks stand.

~~N.M.~~ No sales to persons under sixteen. No operator shall sell fireworks to any person who is under the age of sixteen (16) years unless such person is accompanied by a parent or legal guardian. The burden of verifying the age of purchasers of fireworks shall be borne by the operator.

Commented [EK39]: Covered by Meridian City Code section 3-8-6.

~~Q.N. Signs.~~ The following provisions shall apply to any and all temporary signs related to any fireworks operation:

1. It shall be unlawful for any person to install, erect, post, or display, or to allow or cause the installation, erection, posting, or display of more than two (2) temporary signs on the property on which the fireworks operation is located for the purpose of identifying, promoting, advertising, or directing patrons to such operation, except that one (1) additional temporary sign may be installed, erected, posted, or displayed on the temporary fireworks stand.
2. The area of any temporary sign installed, erected, posted, or displayed for the purpose of identifying, promoting, advertising, or directing patrons to an operation shall not exceed thirty-two (32) square feet. ~~It shall be unlawful for any person to install, erect, post, or display or to allow or cause the installation, erection, posting, or display of a temporary sign identifying, promoting, advertising, or directing patrons to an operation where the area of such temporary sign exceeds thirty two (32) square feet.~~
- ~~3. It shall be unlawful for any person to install, erect, post, or display or to allow or cause the installation, erection, posting, or display of any temporary sign identifying, promoting, advertising, or directing patrons to an operation upon any property other than that property upon which the operation is located.~~
- ~~4.3.~~ Any and all temporary signs identifying, promoting, advertising, or directing patrons to an operation shall be removed within twenty-four (24) hours of the ~~conclusion of such operation.~~ end of the applicable sales and use period.

Commented [EK40]: Covered by UDC limited duration sign regulations.

~~P.O. Operation requirements.~~ ~~As to each and every temporary fireworks stand, operators~~ Operators shall comply with, and, as applicable, shall ensure their patrons' and the public's compliance with, each and all of the following provisions regarding temporary fireworks stands:

1. Any and all temporary fireworks stands shall comply with all applicable provisions of this Code, including, but not limited to, the Unified Development Code, the building code, the fire code, and the electrical code. The operator shall obtain any and all required permits.
- ~~2. Prior to erecting any temporary fireworks stand, and throughout the applicable sales period, the ground underlying such temporary fireworks stand and all ground within a thirty-foot perimeter thereof shall be cleared and maintained clear of any and all weeds, combustible vegetation or material, and/or debris. No operator shall permit the accumulation of rubbish or trash in or around any temporary fireworks stand. No operator shall permit a fire nuisance or hazard to exist in or around any temporary fireworks stand.~~
- ~~3.2.~~ No temporary fireworks stand shall have a floor area in excess of seven hundred (700) square feet.
- ~~4.3.~~ Any and all temporary fireworks stands shall have exit doors at least thirty (30) inches wide at both ends of the temporary fireworks stand and one (1) additional door for each thirty-two feet of rear wall in excess of thirty-two (32) feet. All doors shall open outward from the temporary fireworks stand and all doorways shall be kept clear and operational at all times. No operator shall cause or allow any exit from a temporary fireworks stand to be obstructed, unopenable, inaccessible, or malfunctioning.
4. Operators shall locate and maintain temporary fireworks stands in compliance with the following minimum separation distances:

Commented [EK41]: Moved to section 3-8-3(O)(7)

Exposure	Minimum Separation Distance
Public Ways	20 feet
Buildings	20 feet

Commented [EK42]: Updated to conform to 2024 IFC section 5609, retail sales of consumer fireworks.

<u>Fireworks stands</u>	<u>100 feet</u>
<u>Vehicle Fuel Dispensing</u>	<u>100 feet</u>
<u>Propane cylinder exchange stations</u>	<u>100 feet</u>
<u>Flammable gas and flammable liquefied gas bulk aboveground storage or dispensing areas</u>	<u>300 feet</u>
<u>Flammable and combustible liquid or gas aboveground tank storage</u>	<u>300 feet</u>
<u>Vehicle access and parking areas</u>	<u>20 feet</u>
<u>Combustible storage</u>	<u>20 feet</u>
<u>Generators</u>	<u>20 feet</u>
<u>Short-term storage container</u>	<u>20 feet</u>
<u>Weeds or vegetation</u>	<u>20 feet</u>
<u>Trash, rubbish, debris, waste receptacles</u>	<u>20 feet</u>
<u>Cooking equipment</u>	<u>25 feet</u>
<u>Any fire hazard</u>	<u>20 feet</u>

- ~~5.~~ Any and all temporary fireworks stands shall be located at least twenty five (25) feet from any other building or structure.
- ~~6.~~ Any and all temporary fireworks stands shall be located at least twenty five (25) feet from any generator or other internal combustion power sources and/or their fuels.
- ~~7.~~ Any and all temporary fireworks stands shall be located at least one hundred (100) feet from any flammable liquid dispensing device or installation.
- ~~8-5.~~ Any and all temporary fireworks stands shall contain a minimum of one (1) type 2A10BC rated fire extinguisher, and one 2A water type fire extinguisher. Such extinguishers shall, at all times be in good working order, have a current inspection tag, and be easily accessible for use in case of fire in the temporary fireworks stand or the immediate proximity thereof.
- ~~9-6.~~ Any and all temporary fireworks stands shall be emptied of all fireworks when not open for business. This provision shall not apply where the operation is not open for business and the temporary fireworks stand is used as a short-term storage facility, in which case all provisions of this chapter governing short term storage facilities shall apply, including, but not limited to, subsection 5-4-7J of this chapter.
- ~~10-7.~~ No person shall sleep at any time in any temporary fireworks stand at any time.
- ~~11.~~ Vehicles shall not be parked within twenty five (25) feet of the exterior of any temporary fireworks stand.
- ~~12.~~ No person shall smoke within any temporary fireworks stand, nor within twenty five (25) feet of any temporary fireworks stand.
- ~~13-8.~~ At least one (1) sign reading, "Fireworks - No Smoking or Vaping Within 25 Feet" in letters at least four (4) inches high on a contrasting background shall be posted on each and every exterior wall and/or side of any and all temporary fireworks stands. Such signs shall be maintained in a visible and legible condition at all times.
- ~~14-9.~~ At least one (1) sign reading, "Fireworks - No Smoking or Vaping Within 25 Feet" in letters at least two (2) inches high on a contrasting background shall be posted on each and every interior wall and/or side of any and all temporary fireworks stands. Such signs shall be maintained in a visible and legible condition at all times.
- ~~15-10.~~ At least one (1) sign reading, "No Fireworks To Be Discharged Within 100 Feet" in letters at least four (4) inches high on a contrasting background shall be posted on each and every exterior wall or side of any and all temporary fireworks stands. Such signs shall be maintained in a visible and legible condition at all times.

Commented [EK43]: Moved to subsection (4), above

Commented [EK44]: Covered by 3-8-6(H)

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- ~~16-11.~~ Waste receptacles or garbage cans in any temporary fireworks stand shall be noncombustible and shall have a securely fitting lid.
- ~~17-12.~~ All permits ~~are required to~~ shall be posted in the stand at all times.

~~5-4-7. Storage of nonaerial common fireworks.~~

3-8-4. – Regulations regarding storage of fireworks.

~~The following provisions shall apply to each and every operation. The storage of nonaerial common fireworks in violation of this section or in any manner or by any means not in accordance with the provisions of this section shall be unlawful.~~

In addition to the applicable provisions of the version of the International Fire Code currently in effect, the following provisions shall apply to the storage of fireworks. Where the provisions of the International Fire Code and the provisions of this section conflict, the provisions of this section shall apply.

- A. No storage without permit. No person, without having a valid nonaerial common fireworks permit or public fireworks display permit issued pursuant to this chapter, shall store ~~for the purpose of sale or cause to be stored for the purpose of sale~~ nonaerial common fireworks in any manner or for any use or purpose.
- B. One storage unit per parcel. Only one (1) short-term storage container in addition to the temporary fireworks stand shall be allowed per ~~site~~ parcel.
- C. Set up and removal. Short term storage containers used during the summer sales period shall not be placed at the sales site before June 15 and ~~shall not remain at the site after~~ shall be removed by 12:00 p.m. (noon) on July 12. Short-term storage containers used during the winter sales period shall not be placed at the sales site before December 15 and ~~shall not remain at the site after~~ be removed by 12:00 p.m. (noon) on January 8.
- D. No storage in residential districts. The storage of fireworks shall be prohibited in residential districts as such districts are defined by the Meridian Unified Development Code.
- E. No storage in right-of-way. Short-term storage containers shall not be placed or erected within the public ~~right-of-way~~ right of way, ~~unless otherwise authorized by the appropriate transportation authority. If a private sidewalk or pedestrianway is occupied by a short term storage container, a minimum width of four (4) feet shall remain unobstructed along the entire width of such private sidewalk or pedestrianway. If such private sidewalk or pedestrianway is narrower than four (4) feet wide, at least one half (½) of the width thereof shall remain unobstructed along the entire width of such private sidewalk or pedestrianway.~~
- F. No sales in permanent structures. No person shall construct, ~~or~~ cause to be constructed, or use any permanent structure for the storage of nonaerial common fireworks.
- G. Secure storage. Stored fireworks shall be secured in a manner that denies any and all access to such fireworks by persons other than the operator.
- H. Exit. No operator shall cause or allow any exit from a short-term storage container to be obstructed, unopenable, inaccessible, or malfunctioning.

- I. Storage requirements. ~~As to each and every short-term storage container, operators~~ Operators shall comply with, and, as applicable, shall ensure their patrons' and the public's compliance with, each and all of the following provisions regarding short-term storage containers:

1. Any and all short-term storage containers shall comply with all applicable provisions of this Code, including, but not limited to, the Unified Development Code, the building code, the fire code, and the electrical code. The operator shall obtain any and all required permits.
2. ~~Nonaerial common fireworks may be stored in a short-term storage container no longer than sixty (60) days prior to, and fifteen (15) days after, the dates during which the sale of nonaerial common fireworks is allowed under a nonaerial common fireworks permit. The storage of fireworks by any person at any other time or for a longer duration shall be unlawful.~~
3. ~~Prior to erecting, placing, and/or utilizing any short-term storage container, and throughout the applicable sales period, the ground underlying such short-term storage container and all ground within a thirty-foot perimeter located thereof shall be cleared and maintained clear of any and all weeds, combustible vegetation or material, and/or debris.~~
4. ~~No short-term storage container shall have a floor area in excess of three hundred twenty (320) square feet.~~
5. ~~Any and all short-term storage containers shall be located at least twenty-five (25) feet from:~~
 - a. ~~Any other building or structure, including, but not limited to, any temporary fireworks stand.~~
6. ~~Any and all short-term storage containers shall be located at least twenty-five (25) feet from any generator or other internal combustion power sources and/or their fuels.~~
3. Operators shall locate and maintain any short-term storage container in compliance with the following minimum separation distances:

Exposure	Minimum Separation Distance
Public Ways	20 feet
Buildings	20 feet
Fireworks stands	100 feet
Vehicle Fuel Dispensing	100 feet
Propane cylinder exchange stations	100 feet
Flammable gas and flammable liquefied gas bulk aboveground storage or dispensing areas	300 feet
Flammable and combustible liquid or gas aboveground tank storage	300 feet
Vehicle access and parking areas	20 feet
Combustible storage	20 feet
Generators	20 feet
Short-term storage container	20 feet
Weeds or vegetation	20 feet
Trash, rubbish, debris, waste receptacles	20 feet
Cooking equipment	25 feet
Any fire hazard	20 feet

7. ~~4.~~ Any and all short-term storage containers shall be located at least one hundred feet (100) from any flammable liquid dispensing device or installation.
8. ~~5.~~ Any and all short-term storage containers shall contain a minimum of one (1) pressurized water fire extinguisher with a minimum rating of 2A, which fire extinguisher shall be located

Commented [EK45]: Covered by Meridian City Code section 3-8-4(A)

Commented [EK46]: Updated to conform to 2024 IFC section 5609, retail sales of consumer fireworks.

in an accessible and visible location within forty-eight (48) inches of the access door. If such container has more than one (1) access door, a fire extinguisher shall be located in an accessible and visible location within forty-eight (48) inches of each and every access door.

~~9-6. No person shall sleep at any time in any short-term storage container at any time.~~

~~10. Vehicles shall not be parked within twenty five (25) feet of the exterior of any short term storage container.~~

~~11. No person shall smoke or use an electronic smoking device within any short term storage container, nor within twenty five (25) feet of any short term storage container.~~

~~12-7. At least one (1) sign reading, "Fireworks - No Smoking or Vaping Within 25 Feet" in letters at least four (4) inches high on a contrasting background shall be posted on each and every interior wall and each and every exterior wall or side of any and all short-term storage containers. Such signs shall be maintained in a legible condition at all times.~~

~~13-8. At least one (1) sign reading, "No Fireworks To Be Discharged Within 100 Feet" in letters at least four (4) inches high on a contrasting background shall be posted on each and every exterior wall or side of any and all short-term storage containers. Such signs shall be maintained in a legible condition at all times.~~

~~14. No operator shall permit a fire nuisance or hazard to exist in or around any short term storage container.~~

~~15. No operator shall permit the accumulation of rubbish or trash in or around any short term storage container.~~

~~16. Waste receptacles or garbage cans are prohibited in any and all short term storage containers, unless such receptacle is noncombustible and has a securely fitting lid.~~

J. Storage in temporary fireworks stand. Where a temporary fireworks stand is used as a short-term storage facility, such temporary fireworks stand:

1. Shall comply with all applicable provisions of this section in addition to any and all other applicable provisions of this chapter.
2. Where such temporary fireworks stand is constructed with hard sides, ~~it shall be secured with a lock and key at all access points.~~ effectively secured by a working lock or locks at all times and at all access points, except during active loading and/or unloading.
3. Where such temporary fireworks stand is constructed with canvas or other soft material sides, shall be effectively secured by a person who shall remain awake, alert, and on site at all times and who shall prevent any and all access to fireworks or other merchandise stored therein. ~~A dog or other animal is not a substitute for a person for purposes of this section.~~

K. Storage in trailer or vehicle. Where a truck trailer or a vehicle is used as a short-term storage container, such truck trailer or vehicle:

1. Shall comply with all applicable provisions of this section in addition to any and all other applicable provisions of this chapter.
2. Shall be effectively secured by a working lock or locks at all times and at all access points, except during active loading and/or unloading.
3. Be marked in accordance with United States Department of Transportation Requirements.

~~L. Where a permanent building or structure is used as a short term storage container, such structure:~~

- ~~1. Shall comply with all applicable provisions of this section in addition to any and all other applicable provisions of this chapter;~~

Commented [EK47]: Covered by Meridian City Code section 3-8-6(A)(9)

Commented [EK48]: Covered by 3-8-6(H).

Commented [EK49]: Covered by Meridian City Code section 3-8-4(I)(3)

Commented [EK50]: Use of permanent buildings for fireworks storage unsafe and inconsistent with section 3-8-5(F).

- ~~2. Shall be effectively secured by a working lock or locks at all times and at all access points, except during active loading and/or unloading;~~
- ~~3. Shall contain no open flames;~~
- ~~4. Shall have no heating source;~~
- ~~5. Shall have no lighting source, except that handheld, battery operated flashlights may be used therein; and~~
- ~~6. Shall be separated by a minimum of twenty five (25) feet from any other structure that:~~
 - ~~a. Is used as a residence or business;~~
 - ~~b. Is used for human habitation;~~
 - ~~c. Contains open flames;~~
 - ~~d. Contains a heating source; and/or~~
 - ~~e. Contains a lighting source.~~

L. Storage of dangerous fireworks. Storage of dangerous fireworks shall be unlawful unless specifically authorized by a valid public fireworks display permit issued pursuant to this chapter. Dangerous fireworks shall be stored in accordance with any and all applicable provisions of this chapter governing short-term storage containers and all applicable provisions of the International Fire Code, except that no person shall store dangerous fireworks:

1. In a temporary fireworks stand;
2. In any soft sided structure, including, but not limited to, a tent;
3. In any place or in any manner allowing access to such fireworks by anyone other than the permittee; and/or
4. In any place or in any manner which endangers the health, safety, and/or welfare of persons and/or property.

~~5-4-8. General prohibitions.~~

- ~~A. It shall be unlawful for any person to:~~
- ~~1.A. Alter any fireworks, except where such alteration complies with: a. A public fireworks display permit validly issued pursuant to this chapter; and~~
 - ~~b. All provisions of this chapter.~~
 - ~~2.B. Throw or discharge any fireworks from, into, or at a vehicle or structure.~~
 - ~~3.C. Throw or discharge any fireworks at any person.~~
 - ~~4.D. Sell, store, possess, discharge, or use fireworks in violation of this chapter.~~
 - ~~5.E. Use fireworks in any area where there exists a severe fire threat based on vegetative or other conditions as determined by the Fire Chief or his/her designee, provided that notice of such areas is given in advance.~~
 - ~~6.F. Discharge fireworks within one hundred (100) feet of any temporary fireworks stand or short-term storage container.~~
 - ~~7.G. Smoke within twenty five (25) feet of any temporary fireworks stand or short term storage container.~~
 - ~~8.H. Ignite a flame within twenty five (25) feet of any temporary fireworks stand or short term storage container.~~
 - ~~9.I. Park a motor vehicle within twenty five (25) feet of any temporary fireworks stand or short term storage container.~~
 - ~~10.J. Obstruct or cause to be obstructed, inoperative, inaccessible, or malfunctioning any exit from a temporary fireworks stand or short term storage container.~~
- ~~B. It shall be unlawful for any person under the age of sixteen (16) years to purchase, possess, or discharge fireworks, except in the presence of a parent or legal guardian.~~

Commented [EK51]: Moved to 3-8-6

5-4-9. – Liability of parents or guardians.

~~The parent, guardian or other person having custody or control of a minor shall be liable for damage caused by the discharge or use of fireworks by the minor.~~

Commented [EK52]: Covered by Idaho Code section 39-2611

5-4-10. – Permit for public fireworks display.

3-8-5. – Public fireworks display permits and regulations.

In addition to the applicable provisions of the version of the International Fire Code currently in effect, the following provisions shall apply to public fireworks displays. Where the provisions of the International Fire Code and the provisions of this section conflict, the provisions of this section shall apply.

- A. Permit required. No person, without having a valid City of Meridian Public Fireworks Display Permit issued pursuant to this chapter, shall:
- ~~1. possess or~~ Possess, 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.
 2. Discharge fireworks as, or as part of, a public fireworks display.

- ~~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 Audience (2016 edition), and NFPA 160 Standard for the Use of Flame Effects Before an Audience (2011 edition).~~

Commented [EK53]: Moved to below

~~C.~~ B. Application. 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 Idaho 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 ~~per. 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~~ Fallout area, including offset measurements.

- e. ~~Detailed layout of preparation~~ Preparation area, including ~~one hundred foot~~ required separation distance.
 - f. ~~Detailed layout of fireworks~~ 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 in proximity to the display site.
 - 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, any 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.~~ Proof of an insurance policy, issued by an insurance company authorized to do business in Idaho, covering all claims which may arise from operations under or in connection with the operation. Such insurance shall afford minimum

Commented [EK54]: Updated after consulting with City's insurance agent.

limits of one million dollars (\$1,000,000.00) for each occurrence of bodily injury and property damage, and one million dollars (\$1,000,000.00) general aggregate for general liability.

10. Application fee.

~~11. Fire Department inspection fee.~~

Commented [EK55]: Not allowed per Idaho Code section 39-2605(5).

~~D.C.~~ Application review. Upon receipt of all application materials required by this section, 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.~~

1. Whether the public fireworks display, as proposed, will be conducted in compliance with this chapter and any other applicable laws; and
2. Whether use of such permit by applicant will likely endanger the health, safety, and/or welfare of persons or property.

~~The Fire Chief shall make findings on the application and return it to the City Clerk for issuance or denial.~~

~~E.D.~~ Action on application. Upon receipt of the ~~findings~~ recommendation 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 section, 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 section. Written notice of the denial shall be sent via U.S. mail to the applicant at the address set forth on the application.~~

~~F.G.~~ Grounds for denial. 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; ~~or~~
5. Use of such permit will constitute an unreasonable hazard to persons or property.

~~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.~~ Denial procedure. The City Clerk or designee shall notify the applicant of the denial of a public fireworks display permit as set forth in Meridian City Code section 3-1-4.

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I. *Appeal of denial.* Appeal of the City Clerk's denial of an application for a public fireworks display permit may be made by the applicant as set forth in Meridian City Code section 3-1-5.

J. *Content.* The public fireworks display permit issued by the City Clerk shall include:

1. The name of the individual licensed to operate within the City under such license;
2. The dates during which such license is valid.
3. Any conditions of operation that, in addition to those set forth in this chapter, are necessary to protect the public health, safety, and welfare.

H.K. *Grounds for revocation.* 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 or of this chapter.
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.

H.L. *Revocation procedure.* Revocation shall be effective pursuant to one (1) 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. may notify the licensee or permittee of the revocation of a nonaerial common fireworks permit as set forth in Meridian City Code section 3-1-4; or
2. The Fire Chief or designee may summarily revoke the public fireworks display permit at any time, where he finds grounds therefor as set forth in this chapter, which revocation shall be effective immediately upon verbal notice to the permittee or any party operating under such permit. 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 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. Within one (1) working day of such summary revocation, the Fire Chief, City Clerk, or designee shall send written notification of such revocation and the grounds therefor as set forth in Meridian City Code section 3-1-4.

H.M. *Appeal of revocation.* Appeal of a revocation 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. as set forth in Meridian City Code section 3-1-5.

N. Nontransferable. A Public Fireworks Display Permit is not transferable or assignable.

O. Expiration. Unless earlier revoked, a Public Fireworks Display Permit shall be valid from dusk to midnight on the permitted date of the public fireworks display.

P. Public fireworks display regulations. Public fireworks displays shall comply in every respect, including, but not limited to, setup, staging, and performance, with standards and regulations set forth in NFPA 1123 Code for Fireworks Display (2022 edition), NFPA 1126 Standard for the Use of Pyrotechnics Before a Proximate Audience (2021 edition), and NFPA 160 Standard for the Use of Flame Effects Before an Audience (2021 edition).

5-4-11. – Public fireworks display.

~~A. No person, without having a valid public fireworks display permit issued pursuant to this chapter, shall possess or store for the purpose of public fireworks display, or cause to be possessed or stored for the purpose of public fireworks display, dangerous fireworks in any manner or for any use or purpose.~~

Commented [EK56]: Covered by Meridian City Code section 3-8-5(A)

~~B. All public fireworks display permittees, and/or his or her agents, contractors, and/or employees, shall, in all facets of a public fireworks display undertaken pursuant to a validly issued public fireworks display permit, including, but not limited to, setup, staging, and performance, strictly comply with any and all provisions of the current edition of each and all of the following National Fire Protection Association standards:~~

Commented [EK57]: Covered by Meridian City Code section 3-8-5(B)

- ~~1. NFPA 1123, fireworks display; and~~
- ~~2. NFPA 1126, standard for the use of pyrotechnics before a proximate audience.~~

~~C. Storage of dangerous fireworks to be used in a public fireworks display authorized by a valid public fireworks display permit issued pursuant to this chapter shall be stored in accordance with any and all applicable provisions of this chapter governing short term storage containers and all applicable provisions of the International Fire Code, except that no person shall store dangerous fireworks:~~

Commented [EK58]: Moved to Meridian City Code section 3-8-5(C)

- ~~1. In a temporary fireworks stand;~~
- ~~2. In any soft sided structure, including, but not limited to, a tent;~~
- ~~3. In any place or in any manner allowing access to such dangerous fireworks by anyone other than the permittee; and/or~~
- ~~4. In any place or in any manner which endangers the health, safety, and/or welfare of persons and/or property.~~

3-8-6. - Regulations for possession and discharge of fireworks.

It shall be unlawful for any person to:

- A. Alter any fireworks, except where such alteration complies with a public fireworks display permit validly issued pursuant to this chapter.
- B. Throw or discharge any fireworks from, into, or at a vehicle or structure.
- C. Throw or discharge any fireworks at any person.
- D. Sell, store, possess, discharge, or use fireworks in violation of this chapter.
- E. Use fireworks in any area where there exists a severe fire threat based on vegetative or other conditions as determined by the Fire Chief or his/her designee, provided that notice of such areas is given in advance.
- F. Possess or discharge fireworks at any time other than during the summer sales period, the winter sales period, or as specified in a validly issued public fireworks display permit.

- G. Discharge fireworks within one hundred (100) feet of any temporary fireworks stand or short-term storage container.
- H. Smoke or use an electronic smoking device within twenty-five (25) feet of any temporary fireworks stand or short-term storage container.
- I. Ignite a flame within twenty-five (25) feet of any temporary fireworks stand or short-term storage container.
- J. Park a motor vehicle within twenty-five (25) feet of any temporary fireworks stand or short-term storage container.
- K. Obstruct or cause to be obstructed, inoperative, inaccessible, or malfunctioning any exit from a temporary fireworks stand or short-term storage container.
- L. If such person is under the age of sixteen (16) years, purchase, possess, or discharge fireworks, except in the presence of a parent or legal guardian.

~~5-4-12. – Violation and penalty.~~

3-8-7. – Violations and penalties.

- A. It shall be unlawful for any person, firm or corporation to violate any of the provisions of this chapter. Any violation thereof shall constitute an infraction and shall be punishable by a fine of one hundred dollars (\$100.00). A person violating Meridian City Code sections 3-8-6(A-E) shall be cited pursuant to Idaho Code section 39-2609.
- B. A person violating any provision of Meridian City Code section 3-8-4 (regulations regarding storage of fireworks) or Meridian City Code section 3-8-5 (public fireworks display permits and regulations) shall be guilty of a misdemeanor.
- C. A person violating any other provision of this chapter shall be guilty of an infraction, punishable by a fine of one hundred dollars (\$100.00).
- ~~B-D.~~ All fireworks possessed, discharged, or used in violation of this chapter may be confiscated and destroyed by the Meridian Police Department or the Meridian Fire Department.