

CITY OF MERIDIAN ORDINANCE NO. 23-2038

BY THE CITY COUNCIL:

**BORTON, CAVENER, HOAGLUN,
OVERTON, PERREAULT, STRADER**

AN ORDINANCE AMENDING THE TITLE OF TITLE 3, MERIDIAN CITY CODE, TO BE “LICENSES AND PERMITS”; AMENDING THE TITLE OF TITLE 3, CHAPTER 1, MERIDIAN CITY CODE, TO BE “GENERAL LICENSING AND PERMITTING PROVISIONS”; AMENDING MERIDIAN CITY CODE SECTION 3-1-1, REGARDING LICENSES OR PERMITS REQUIRED; ADDING MERIDIAN CITY CODE SECTION 3-1-4, REGARDING NOTICE AND EFFECTIVE DATE OF ISSUANCE, DENIAL, OR REVOCATION OF LICENSES AND PERMITS; ADDING MERIDIAN CITY CODE SECTION 3-1-5, REGARDING APPEAL OF DENIAL, CONDITIONS, OR REVOCATION OF LICENSES AND PERMITS; REPEALING AND REPLACING TITLE 3, CHAPTER 8, MERIDIAN CITY CODE, REGARDING FIREWORKS; ADDING A NEW CHAPTER, CHAPTER 4, TO TITLE 4, MERIDIAN CITY CODE, REGARDING BURNING REGULATIONS; REPEALING CHAPTERS 1, 3, AND 4 OF TITLE 5, MERIDIAN CITY CODE, FORMERLY REGARDING FIRE DEPARTMENT, CLEAN AIR REGULATIONS, AND FIREWORKS; REPEALING CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Deputy Chief of Fire Prevention has recommended the following updates to the Meridian City Code provisions regarding burning and fireworks, in order to remove provisions that are redundant or conflicting with related provisions set forth in Idaho Code or the International Fire Code;

WHEREAS, the City Council of the City of Meridian find the following updates to Meridian City Code to serve the safety and welfare of the public;

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

Section 1. That the title of Title 3, Meridian City Code, shall be amended as follows:

TITLE 3 - ~~BUSINESS AND LICENSE REGULATIONS~~ - LICENSES AND PERMITS

Section 2. That the title of Title 3, Chapter 1, Meridian City Code, shall be amended as follows:

CHAPTER 1. - GENERAL LICENSING AND PERMITTING PROVISIONS

Section 3. That Meridian City Code section 3-1-1 shall be amended as follows:

3-1-1. - Licenses or permits required.

A. License or permit required. No person shall engage in or carry on any trade, business, profession, or activity within the limits of the city for which a license or permit is required by this title, or by any ordinance of the city, without a current, valid license or permit required for that trade, business, profession, or activity.

B. Display of invalid license or permit prohibited. No person shall display, wear, or assert the validity of a license or permit required by the City of Meridian where such permit or license has been denied, revoked, expired, or otherwise invalidated.

C. Penalty. A violation of this section shall be a misdemeanor, ~~punishable by such fine and/or imprisonment as established by Idaho Code. In addition to such penalty, any person violating any provision of this chapter shall be subject to any and all other applicable administrative, criminal, and/or civil penalties.~~ Each day ~~upon or portion of a day during~~ which a violation of this section continues or occurs may be deemed a separate and distinct violation.

Section 4. That Meridian City Code section 3-1-3 shall be repealed, and replaced with language to read as follows:

3-1-3. – Designees.

A. *City Clerk’s designee.* For purposes of this title only, any duty imputed to the City Clerk may be fulfilled by the City Clerk’s duly authorized designee or designees. Any reference in this chapter to the City Clerk shall also signify a reference to the City Clerk’s designee or designees.

B. *Department designee.* For purposes of this title only, any duty imputed to a City department or the director thereof may be fulfilled by such department’s or director’s duly authorized designee or designees. Any reference in this chapter to a City department or City department director shall also signify a reference to such department’s or director’s designee or designees.

Section 5. That two new sections shall be added to Meridian City Code, Meridian City Code sections 3-1-4 and 3-1-5, to read as follows:

3-1-4. – Notice and effective date of issuance, denial, or revocation of licenses and permits.

A. *Content of notice.* The City Clerk shall notify the permittee of permit issuance, denial, or revocation in writing. Notice of denial or revocation shall include the grounds for such decision, and notice of the right to appeal such decision, if any. No right to appeal shall attach where the grounds for the City Clerk’s decision are that the applicant failed to timely submit a complete application.

B. *Effective date.* The effective date of the City Clerk’s issuance, denial, or revocation of a license or permit shall be the date the City Clerk mails notice of same via U.S. Mail, personally

delivers notice of same to the applicant, licensee, or permittee, or e-mails notice of same to the applicant, licensee or permittee.

C. *Address.* An applicant's, licensee's, or permittee's mailing address, physical address, or e-mail address, for purpose of receiving notice of issuance, denial, or revocation of a license or permit, or any other notice from the City regarding such license or permit, shall be that provided on the application submitted to the City Clerk. If the applicant's, licensee's, or permittee's mailing address, physical address, or e-mail address changes, it shall be that person's responsibility to provide the current information to the City Clerk.

3-1-5. – Appeal of denial, conditions, or revocation of licenses and permits.

A. *Appeal requirements.*

1. Appeal of a decision of the City Clerk to deny, revoke, or condition a license or permit shall comply in all regards with the following:

- a. The appeal shall be made by the applicant, licensee, or permittee, or such person's attorney.
- b. The appeal shall be delivered to the City Clerk in accordance with the time periods set forth in the applicable provision set forth in this Title.
- c. The appeal shall be delivered to the City Clerk via U.S. Mail, e-mail, or in person.
- d. The appeal shall be received by the City Clerk no later than fourteen (14) days following the effective date of the notice of denial, revocation, or issuance of the license or permit.
- e. The appeal shall be in writing.
- f. The appeal shall state the reasons for such appeal.

2. No person may appeal the action of the City Clerk where the grounds for such action were that the applicant:

- a. Failed to timely submit a complete application;
- b. Failed to timely submit required application materials or fees; or
- c. Is disqualified from holding the license or permit sought due to a criminal conviction, incarceration, or probation or parole violation, under the applicable provisions set forth in this Title.

B. *City Clerk action on conforming appeal.* Upon receipt of an appeal that conforms to the appeal requirements set forth in this section, the City Clerk shall schedule the appeal for City Council review at the next City Council meeting at which the matter may be duly noticed.

C. *City Clerk action on defective appeal.* If a submitted appeal does not meet the appeal requirements set forth in this section, City Council shall not hear the appeal, and the City Clerk's issuance, denial, or revocation of the license or permit shall be a final decision.

D. *City Council decision.* On the date and time duly noticed for an appeal to City Council, the applicant, licensee, or permittee, or such person's attorney, and the City Clerk, may make a brief statement to City Council and/or present records related to the appeal. After consideration of the testimony and records presented, City Council shall either affirm, reverse, or modify the City Clerk's action on the license or permit application. City Council shall reverse or modify the City

Clerk's action only where substantial evidence demonstrates that such action was erroneous or violated the procedures set forth in this section. City Council's decision on an appeal filed pursuant to this section shall be a final decision.

Section 6. That Title 3, Chapter 8, Meridian City Code, shall be repealed, and replaced with language to read as follows:

CHAPTER 8. - FIREWORKS

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 parked at the site of an operation for the purpose of providing security for the operation during nonbusiness hours.
- 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. 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.
- 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.
- 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 in a manner that produces a visible or audible effect, whether outdoors or indoors.
- 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 fireworks.
- L. *Summer sales and use period* means from midnight on June 23 to midnight on July 5.
- M. *Temporary fireworks stand* means a temporary stand, booth or tent from which nonaerial common fireworks are sold and/or offered for sale.
- N. *Temporary sign* means a sign, and/or any device, fixture, placard, or structure which:
 - 1. Uses any color, form, graphic, illumination, symbol, or writing to identify, promote, advertise, or direct patrons to a temporary fireworks stand; and
 - 2. Is not permanently mounted or secured.
- O. *Winter sales and use period* means from midnight on December 26 to midnight on January 1.

3-8-2. – Fireworks sales - Permit requirements.

- 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:
 - 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. Physical address and description of each and every location at which fireworks are to be stored.
 - 5. Dates during which fireworks are to be stored.

6. Physical address and description of any and all locations at which fireworks are to be sold and/or offered for sale.
 7. Dates during which fireworks are to be sold and/or offered for sale.
 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, short-term storage containers, and/or caretaker units;
 - b. Parking areas;
 - c. Vision sight triangle, if located on a corner;
 - d. Waste receptacles or garbage cans;
 - e. Location and type of electrical sources;
 - f. Location and dimensions of temporary 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.
 9. Application fee for each operation for which a permit is sought.
 10. Other inspection and permitting fees as may be applicable.
 11. 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 shall request that the Fire Chief review the application and conduct a site inspection at each operation, in order to determine:
1. Whether the operation, as proposed, will be conducted in compliance with this chapter and any other applicable laws; and
 2. Whether issuance of such permit to applicant will likely endanger the health, safety, and/or welfare of persons or property.
- 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. *Grounds for denial.* The City Clerk shall deny an application for a nonaerial common fireworks permit if:
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. The City has revoked from applicant a nonaerial common fireworks permit issued pursuant to this chapter, in the preceding one (1) year.
 4. The Fire 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.
- G. *Denial procedure.* The City Clerk shall notify the applicant of the denial of an application for a nonaerial common fireworks permit as set forth in Title 3, Chapter 1, Meridian City Code.
- 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 Title 3, Chapter 1, Meridian City Code.
- 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.
- J. *Grounds for revocation.* In addition to any and all other applicable civil or criminal penalties, the City Clerk or the Fire Chief 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 permit is used by a different operator or operation than to whom or which 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 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.

- 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 may notify the licensee or permittee of the revocation of a nonaerial common fireworks permit as set forth in Title 3, Chapter 1, Meridian City Code.
 2. The Fire Chief may summarily revoke the permit at any time, where the Fire Chief finds grounds therefor as set forth in this chapter, which revocation shall be effective immediately upon verbal notice to the operator or any party operating under such permit. Within one (1) working day of such summary revocation, the Fire Chief or City Clerk shall send a written statement of such revocation and the grounds therefor as set forth in Title 3, Chapter 1, Meridian City Code.
- L. *Appeal of revocation.* Appeal of a revocation of a nonaerial common fireworks permit may be made by the permittee as set forth in Title 3, Chapter 1, Meridian City Code.
- M. *Nontransferable.* A nonaerial common fireworks 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.

3-8-3. – Fireworks sales – specific standards 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 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.

- 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 parcel.
- C. *Set up and removal.* Temporary fireworks stands used during the summer sales period shall not be in place before June 15 and shall be removed by 12:00 p.m. (noon) on July 6. Temporary fireworks stands used during the winter sales period shall not be in place before December 15, and shall be removed by 12:00 p.m. (noon) on January 3.
- 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.

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.
- E. *Caretaker unit.* One (1) caretaker unit may be allowed per 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 the sales site before June 15 and shall not remain at the site after 12:00 p.m. (noon) on July 6. 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 3. Only a recreational vehicle or motor vehicle may be used as a caretaker unit. A tent shall not be used as a caretaker unit.
- 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.
- 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.
- 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 transportation authority.
- I. *Parking.* No operation shall sell or offer for sale nonaerial common fireworks at a location lacking adequate off-street parking upon asphalt or other dustless material. Inadequate parking shall include displacement of off-street parking spaces or loading areas serving the site's permanent and/or primary use(s).
- 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.
- 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.
- 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. No person under sixteen (16) years of age shall be allowed in the nonpublic areas of a temporary fireworks stand.
- 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.

- N. *Signs.* The operator may post up to two (2) temporary signs on the property on which the temporary fireworks stand is located, with an area not to exceed six (6) square feet each. Any and all temporary signs identifying, promoting, advertising, or directing patrons to an operation shall be removed within twenty-four (24) hours of the end of the applicable sales and use period.
- O. *Operation requirements.* Operators shall comply with, and, as applicable, shall be responsible for their employees', volunteers', 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. No temporary fireworks stand shall have a floor area in excess of seven hundred (700) square feet.
 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:

Exposure	Minimum Separation Distance
Roadway or sidewalk	20 feet
Building	20 feet
Fireworks stand	100 feet
Vehicle fuel dispensing	100 feet
Propane cylinder exchange station	100 feet
Flammable gas and flammable liquefied gas bulk aboveground storage or dispensing area	300 feet
Flammable and combustible liquid or gas aboveground tank storage	300 feet
Vehicle access and parking area	20 feet
Combustible storage	20 feet
Generator	20 feet
Short-term storage container	20 feet
Weeds or vegetation	20 feet
Trash, rubbish, debris, waste receptacle	20 feet
Cooking equipment	25 feet

Any fire hazard	20 feet
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5. Each temporary fireworks stand 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.
6. Each temporary fireworks stand 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.
7. No person shall sleep in any temporary fireworks stand at any time.
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 every exterior wall and/or side of all temporary fireworks stands. Such signs shall be maintained in a visible and legible condition at all times.
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.
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.
11. Waste receptacles or garbage cans in any temporary fireworks stand shall be noncombustible and shall have a securely fitting lid.
12. All permits shall be posted in the stand at all times.

3-8-4. – Storage of fireworks – specific standards 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 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 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 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 be removed by 12:00 p.m. (noon) on July 6. Short-term storage containers used during the winter sales period shall not be placed at the sales site before December 15 and shall be removed by 12:00 p.m. (noon) on January 3.
- 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.
- F. *No storage in permanent structures.* No person shall construct, 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.* 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. No short-term storage container shall have a floor area in excess of three hundred twenty (320) square feet.
 3. Operators shall locate and maintain any short-term storage container in compliance with the following minimum separation distances:

Exposure	Minimum Separation Distance
Roadway or sidewalk	20 feet
Building	20 feet
Fireworks stand	100 feet
Vehicle fuel dispensing	100 feet
Propane cylinder exchange station	100 feet

Flammable gas or flammable liquefied gas bulk aboveground storage or dispensing	300 feet
Flammable and combustible liquid or gas aboveground tank storage	300 feet
Vehicle access and parking area	20 feet
Combustible storage	20 feet
Generator	20 feet
Short-term storage container	20 feet
Weeds or vegetation	20 feet
Trash, rubbish, debris, waste receptacle	20 feet
Cooking equipment	25 feet
Any fire hazard	20 feet

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.
 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 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.
 6. No person shall sleep in any short-term storage container at any time.
 7. At least one (1) sign reading, “Fireworks – No Smoking or Vaping Within 25 Feet” in letters at least four inches (4”) 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.
 8. At least one (1) sign reading, “No Fireworks to Be Discharged Within 100 Feet” in letters at least four inches (4”) 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.
- J. *Storage in temporary fireworks stand.* Where a temporary fireworks stand is used as a short-term storage facility, such temporary fireworks stand shall comply with all applicable provisions of this section in addition to any and all other applicable provisions of this chapter. Where such temporary fireworks stand is constructed with hard sides, it 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. 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.

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. Shall be marked in accordance with United States Department of Transportation requirements.

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.
4. In any place or in any manner which endangers the health, safety, and/or welfare of persons and/or property.

3-8-5. – Public fireworks display permits, specific standards, 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, store, 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. *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 NFPA 1123.
 - 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. Fallout area, including offset measurements.
 - e. Preparation area, including required separation distance.
 - f. Fireworks storage area, including required separation distances, 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 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, crowd control issues, or any hazardous conditions.
 - (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. 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 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 for each public fireworks display for which a permit is sought.
11. Other inspection and permitting fees as may be applicable.
- C. *Application review.* Upon receipt of all application materials required by this section, the City Clerk shall refer the application to the Fire Chief, who shall review the application to determine:
- 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.
- D. *Action on application.* Upon receipt of the recommendation of the Fire Chief, 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.
- E. *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.
 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.
 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.
 5. Use of such permit will constitute an unreasonable hazard to persons or property.
- F. *Denial procedure.* The City Clerk shall notify the applicant of the denial of a public fireworks display permit as set forth in Meridian City Code section 3-1-4.
- G. *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.
- H. *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.
- I. *Grounds for revocation.* The City Clerk or Fire Chief 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.
- J. *Revocation procedure.* Revocation shall be effective pursuant to either of the following procedures:
 1. 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 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. Within one (1) working day of such summary revocation, the Fire Chief or City Clerk shall send written notification of such revocation and the grounds therefor as set forth in Meridian City Code section 3-1-4.
- K. *Appeal of revocation.* Appeal of a revocation of a City of Meridian Public Fireworks Display Permit may be made by the permittee as set forth in Meridian City Code section 3-1-5.
- L. *Nontransferable.* A Public Fireworks Display Permit is not transferable or assignable.
- M. *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.
- N. *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).

3-8-6. – Fireworks possession and discharge – regulations.

It shall be unlawful for any person to:

- A. *Alter fireworks.* Alter any fireworks, except where such alteration complies with a public fireworks display permit validly issued pursuant to this chapter.
- B. *Use fireworks in vehicles or structures.* Throw or discharge any fireworks from, into, or at a vehicle or structure.
- C. *Discharge fireworks at a person.* Throw or discharge any fireworks at any person.
- D. *Violate this chapter.* Sell, store, possess, discharge, or use fireworks in violation of this chapter.
- E. *Use fireworks in high-threat area.* Use fireworks in any area where there exists a severe fire threat based on vegetative or other conditions as determined by the Fire Chief, provided that notice of such areas is given in advance.

- F. *Possess fireworks at prohibited time.* 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 inside required separation.* Discharge fireworks within one hundred (100) feet of any temporary fireworks stand or short-term storage container.
- H. *Smoke inside required separation.* Smoke or use an electronic smoking device within twenty-five (25) feet of any temporary fireworks stand or short-term storage container.
- I. *Ignite flame inside required separation.* Ignite a flame within twenty (20) feet of any temporary fireworks stand or short-term storage container.
- J. *Park inside required separation.* Park a motor vehicle within twenty (20) feet of any temporary fireworks stand or short-term storage container.
- K. *Obstruct or disable exit.* Obstruct or cause to be obstructed, inoperative, inaccessible, or malfunctioning any exit from a temporary fireworks stand or short-term storage container.
- L. *Possess fireworks under age limit.* 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.

3-8-7. – Violations and penalties.

- A. *Sections 3-8-6(A-E).* Any person violating any of Meridian City Code sections 3-8-6(A-E) shall be cited pursuant to Idaho Code section 39-2609.
- B. *Section 3-8-4 or 3-8-5.* Any 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. *Any other provision.* Any person violating any other provision of this chapter shall be guilty of an infraction, punishable by a fine of one hundred dollars (\$100.00).
- D. *Confiscation and destruction authorized.* Any and 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.

Section 7. That a new chapter, Chapter 4, shall be added to Title 4, Meridian City Code, to read as follows:

CHAPTER 4. – BURNING REGULATIONS

4-4-1. - Definitions.

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).
- 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.
- 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 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 connected or unconnected from its energy source.
- H. *Solid fuel heating appliance* means an enclosed device designed for solid fuel combustion, including, but not limited to, a wood stove.

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. 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 the report shall have a burn down period of three (3) hours, after or within which period combustion and/or burning must cease. A person may apply for an exemption from this section by contacting the Fire Chief 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.

2. No person shall operate, or cause or allow the operation of, a solid waste incinerator.

- 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.
- 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.
- 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.

4-4-3. - Enforcement and penalty.

- A. *Enforcement.* The Fire Chief or designee and/or any law enforcement officer shall have the authority to enforce the provisions of this chapter.
- 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.

Section 8. That Chapters 1, 3, and 4 of Title 5, Meridian City Code, shall be repealed.

Section 9. That all City of Meridian ordinances, or parts thereof, that are in conflict with this ordinance are hereby repealed.

Section 10. That this ordinance shall be effective immediately upon its passage and publication.

PASSED by the City Council of the City of Meridian, Idaho, this 17th day of October, 2023.

APPROVED by the Mayor of the City of Meridian, Idaho, this 17th day of October, 2023.

APPROVED:

ATTEST:

Robert E. Simison, Mayor

Chris Johnson, City Clerk

CERTIFICATION OF SUMMARY:

William L.M. Nary, City Attorney of the City of Meridian, Idaho, hereby certifies that the summary below is true and complete and upon its publication will provide adequate notice to the public.

William L. M. Nary, City Attorney

SUMMARY OF CITY OF MERIDIAN ORDINANCE NO. 23-2038

An ordinance amending the title of Title 3, Meridian City Code, to be “Licenses and Permits”; amending the title of Title 3, Chapter 1, Meridian City Code, to be “General Licensing and Permitting Provisions”; amending Meridian City Code section 3-1-1, regarding licenses or permits required; adding Meridian City Code section 3-1-4, regarding notice and effective date of issuance, denial, or revocation of licenses and permits; adding Meridian City Code section 3-1-5, regarding appeal of denial, conditions, or revocation of licenses and permits; repealing and Replacing Title 3, Chapter 8, Meridian City Code, regarding fireworks; adding a new chapter, Chapter 4, to Title 4, Meridian City Code, regarding burning regulations; repealing Chapters 1, 3, and 4 of Title 5, Meridian City Code, formerly regarding fire department, clean air regulations, and fireworks; repealing conflicting ordinances; and providing an effective date. The full text of this ordinance is available at Meridian City Hall, City Clerk’s Office, 33 E. Broadway Avenue, Meridian, Idaho.