

City of Caldwell

Caldwell City Clerk Department
411 Blaine Street – P.O. Box 1179
Caldwell, ID 83606
(208) 455-4656
E-mail: cityclerk@cityofcaldwell.org



APPLICATION FOR FIREWORKS PERMIT

Applications for a non-aerial common fireworks or a dangerous fireworks permit must be completed and returned to the address for the Caldwell City Clerk as listed above.

NOTE: Applicants desiring firework stands located outside the Caldwell City Limits should contact the Caldwell Fire Marshal (649-1266) before completing this application.

Applications for a permit to sell non-aerial common fireworks at retail shall be filed with the Caldwell City Clerk on or before May 15th for the summer sales permit or November 15th for the winter sales permit.

Non-aerial common fireworks may only be sold within the summer sales period from 11:59 p.m. on June 22 to 12:01 a.m. on July 5 or the winter sales period from 11:59 p.m. on December 15 to 12:01 a.m. on January 1. (See attached Caldwell City Code – Article 13, Section 08-13-09)

Please note that you may access duplicate copies of this Firework Application packet on the City of Caldwell website located at: <http://www.cityofcaldwell.com> (City Clerk's departmental document page).

<p>Name of applicant: _____</p> <p>Address: _____</p> <p>City: _____ State: _____ Zip: _____</p> <p>Daytime Phone: _____ Cell: _____</p> <p>E-mail Address: _____</p> <p>_____</p> <p>Name of on-site manager: _____</p> <p>Address: _____</p> <p>City: _____ State: _____ Zip: _____</p> <p>Daytime Phone: _____ Cell: _____</p> <p>E-mail Address: _____</p>
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Items to be returned with this application:

- Copy of "Proof of Insurance" coverage document.
- Letter of permission from property owner where the temporary stand will be located.
- Site plan to include booth location, traffic flow pattern (ingress and egress), closest fire hydrant, and proximity of closest residence to the site.
- Fireworks Storage Information with list of employees (must be completed) (Form 1)
- Acknowledgement of Receipt and reading of Ordinance No. 2853 (Form 3)
- Application for Temporary Fireworks Stand Permit
- Check made payable to the City of Caldwell in the amount of \$152.05.**
- Copy of **applicant's** driver's license for purpose of the background check.

1. The purpose for which the applicant is primarily existing and for which it was organized: _____

2. The names and addresses of the officers, trustees and directors: (Please attach additional names and addresses on a separate sheet if more space is needed.)

(*) Name: _____

Address/City/State _____

(*) Name: _____

Address/City/State _____

3. Address of location where fireworks stand or display will be located:

(Note: The applicant must submit evidence of consent by the owner of said location and a site plan indicating specifications as listed on page one (1) of this document)

4. When and where the applicant's firm or organization was organized and established, or if a natural person, the applicant's age: _____

5. The location of the applicant's principal and permanent meeting place or principal place of business:

6. The applicant's State Sales Tax Permit number: _____

7. If the applicant is an entity other than sole proprietorship, the name and general description of the business activities of each parent or subsidiary company, business or entity, and a general description of the ownership organization of each parent or subsidiary, if applicable:

SIGNATURE

Signature of Applicant

Printed Name

Must to be signed before a Notary Public

Subscribed and sworn before me this _____ day of _____, 20

Notary Public of _____ (State)

Residing at _____

Commission Expires _____

OFFICE USE ONLY

City Clerk Check List for Firework Permit Applications

Date Received: _____ Amount Paid: _____

City Clerk App. _____ Proof of Insurance: _____

Permission to sell at location: _____ Fire Dept. App. _____

Listing of names & numbers for background check (Form 1) _____

Acknowledgement of receipt & reading of Fireworks Ordinance (Form 1A) _____

Permit to Operate (Form 4) _____

Site Plan: _____

Submitted copy to Fire Department: _____

Information added to City Clerk's Spreadsheet: _____

Permit to Operate Issued: _____



Caldwell Fire Department
Division Chief Alan Perry, Fire Marshal
403 Blaine Street, Caldwell ID 83605
Phone 208-649-1266 Fax 208-455-3014

FIREWORKS STORAGE INFORMATION
(RETURN WITH APPLICATION)

Instructions: Please supply all information requested. Use back of form if additional space is needed. Answer accurately, please print clearly and sign/date at the bottom.

STAND LOCATION: _____

ON-SITE MANAGER'S NAME: _____ AGE: _____

ADDRESS: _____

PHONE 1: _____ PHONE 2: _____ DL# _____

EMPLOYEES WORKING AT STAND (Must be 16 yrs. of age or older):

NAME: _____ AGE: _____

NAME: _____ AGE: _____

NAME: _____ AGE: _____

NAME: _____ AGE: _____

SUPPLIER: _____ PHONE: _____

LOCAL REP: _____ PHONE: _____

STORAGE INFO: When the stand is closed nightly, and before and after the sales period, please identify the physical location(s) of where fireworks will be stored:

APPROVAL BY FIRE OFFICIAL FROM AHJ STORAGE LOCATION:

Fire Department Official

Fire Department or Agency

Fire Official's Signature

Fire Official's Phone Number

I certify that the information supplied above is true and accurate to the best of my knowledge, and will promptly advise the CFD if any information changes.

OPERATOR'S SIGNATURE: _____ DATE: _____

MISC. NOTES or SPECIAL CONDITIONS:



Caldwell Fire Department

"Saving Lives, Protecting Property"

Division Chief Alan Perry, Fire Marshal

Fire Prevention Division

310 S 7th Ave, Caldwell ID 83605

Phone 208-455-3032 Fax 208-455-3014

Acknowledgement of Receipt and Reading Caldwell City Code Article 13, Section 08-13-09 Fireworks Regulations (Ordinance 2853)

TO: All Fireworks Stand Operators and Applicants **(RETURN WITH APPLICATION)**

This document is required in conjunction with your application for a permit to operate a temporary fireworks stand for the retail sale of non-aerial common fireworks.

On January 4, 2011 the Caldwell City Council unanimously approved the fireworks ordinance. Applicants must read the provided document, sign, and date this acknowledgement form.

(See the provided Caldwell City Code Article 13, Section 08-13-09 – Fireworks Regulations)

If you have any questions or concerns regarding the document, please contact the Caldwell Fire Department (Fire Prevention Division) at (208) 455-3032.

Applicant (print name): _____

Business Name (if applicable): _____

"I hereby certify that I have received and have read Caldwell City Code, Article 13, Section 08-13-09. I further certify that I am, therefore, aware of the fireworks regulations. In consideration of my application for a permit I agreed to abide by the terms and conditions set forth in provided document."

Signature of applicant: _____ Date: _____

Witness (print name): _____

Witness signature: _____

(This document must be returned with your application materials.)



Caldwell Fire Department
"Saving Lives, Protecting Property"
Division Chief Alan Perry, Fire Marshal
Fire Prevention Division
403 Blaine St. Caldwell, ID 83605
Phone 208-649-1266 Fax 208-455-3014

Temporary Fireworks Stands Permit (RETURN WITH APPLICATION)

**NO FIREWORKS STAND MAY SELL FIREWORKS UNTIL ALL REQUIREMENTS ARE MET AND MAINTAINED
SHALL REMAIN ON SITE & POSTED**

The following is a list of specific requirements that Applicants need to use to "pre-inspect" their stands for compliance. All items must be completed prior to the time of their scheduled fire inspection. Compliance with ALL of these will enhance your chances to pass your inspection the first time, allowing you to open sooner.

1. Stands must be at least 25' away from any other building or structure.
2. Stands must be at least 100' away from any fuel storage / dispensing station.
3. Stands must meet all International Code requirements for a "temporary" stand.
4. Stands may not exceed 600 SF in floor area.
5. Exit doors must be located at *both ends* of the structure, be thirty inches (30") wide and must open outward. Exits must be unobstructed, clearly marked and accessible.
6. Stands must have two (2) fire extinguishers. One shall be a **2A** rated **water type extinguisher** and the other must be a **2A10BC** rated **multi-purpose** extinguisher. Extinguishers must have a current service tag dated within the past eleven months and must be mounted three to five feet above floor level. Extinguishers must be readily *visible* and *accessible* at all times. Extinguishers must not be blocked or used to hang things on.
7. The following signage is required to be posted on all interior and exterior sides of the stand: "FIREWORKS - NO SMOKING WITHIN 50 FEET" and "NO FIREWORKS TO BE DISCHARGED WITHIN 300 FEET". These signs are to be in red, block-style lettering, 4" tall and must be visible and in a legible condition at all times. **Signage must also be in Spanish.**
8. Stands must have at least one **metal** trash receptacle with a **securely-fitting lid** in place.
9. Exit paths must be clear and unobstructed, and must remain that way at all times.
10. Stands must be kept clean and free of empty boxes, paper or other debris or trash.
11. All ground underneath and for 30 feet around all fireworks stands must be cleared, and kept clear of any weeds, combustible vegetation or material and debris.
12. Motor vehicles or generators must be parked or kept at least twenty-five feet (25') away from the stand. Sleeping in stands is prohibited.
13. No bare light bulbs may be used in the stand, all lights must have guards/covers on them.
14. Exit signs (8" x 12") must be posted above or on each exit door.
15. Exits doors must open *outward* with minimal effort.
16. The "Permit to Operate" must be posted and visible to the public at all times.
17. No one under the influence of drugs or alcohol is allowed in the stand at any time.
18. Stands must be at least 100', but not less than 500', from a working fire hydrant.

* *Fireworks may only be sold from 12:00 AM on June 22 until 12:01AM on July 5.*

* **NO** *one under the age of 16 years is permitted inside the fireworks stand at any time.*

* **NO** *fireworks may be sold to any minor under the age of 16 years. (Proof of age and/or photo ID is required.)*

* **NO** *smoking inside or within 50 feet of a fireworks stand.*

* **NO** *parking within 25 feet of a fireworks stand.*

Owner/Operator: _____

Caldwell Fire Department: _____



Caldwell Fire Department

"Saving Lives, Protecting Property"

Division Chief Alan Perry, Fire Marshal
Fire Prevention Division
403 Blaine Street; Caldwell, ID 83605
Phone 208-649-1266 Fax 208-455-3014

2024 PERMIT INFORMATION FOR RETAIL SALE OF NON-AERIAL COMMON FIREWORKS

TO: All Fireworks Stand Operators and Applicants (FOR YOUR INFORMATION. DO NOT RETURN WITH APPLICATION)

IMPORTANT INFORMATION: On January 4, 2011 Caldwell adopted Ordinance #2853 – Fireworks Regulations. A copy of the Caldwell City Code – Article 13, Section 08-13-09 – is provided to you for your review referencing these regulations.

This letter is intended to assist Applicants for permits to operate temporary fireworks stands with information on the process required to apply to sell non-aerial common fireworks in the City of Caldwell.

1. Contact the City Clerk at Caldwell City Hall, located at 411 Blaine Street to obtain the “**Application for Temporary Fireworks Stand Permit**” package. The City Clerk’s Office may also be contacted at **455-4656**. Application packages will also be available on the City’s website at: cityofcaldwell.com (City Clerk’s webpage)
2. The application shall be completed and returned/filed with the City Clerk’s Office **on or before May 15, 2024**. *NOTE: A separate application is required for each temporary fireworks stand.*
3. All information requested in the Fire Code and revisions under the Caldwell City Code must be provided by the Applicant in order to process the application. Additionally, a current copy of the Applicant’s proof of insurance coverage shall be submitted to the City Clerk’s Office.
4. Evidence of consent by the owner of the property upon which the fireworks stand will be located shall be submitted with the application.

All fees must be paid to the City Clerk. The Caldwell Fire Department fireworks stand permit fee for 2024 is **\$127.05**, plus a **\$25.00** City Clerk permit fee for a total amount of **\$152.05**. The **Fire Department fee** includes two inspections (inspection credits) - an initial inspection and a re-inspection. Additional fire department re-inspections (as necessary) will be charged at a rate of **\$102.79 per hour** (with a one-hour minimum). All fees must be paid-in-full before a permit to operate will be issued.

NOTE: All inspections must be scheduled in advance. You must call the Caldwell Fire Department at 208.649.1266 to schedule your inspection. If the Applicant or stand operator is not available, not ready, fails to cancel in advance, or is otherwise unable to be inspected at a scheduled time - then no inspection will occur, but an inspection credit will be charged. The fee you pay includes one inspection and one reinspection.

5. All temporary fireworks stands must be inspected and approved by the Caldwell Fire Department **once they are set up.**
6. You must schedule and successfully pass an inspection by the Caldwell Fire Department before you may open for business. Use the included “**Inspection Requirements for Temporary Fireworks Stands**” form as a guide of what is required in order to pass the inspection. Applicants should also consult the Fireworks Regulations ordinance. **All stands must pass inspection and be issued a permit to operate before any fireworks may be sold!**
7. A “**Fireworks Storage Information**” form is attached and must be filled-out completely and returned with your application. Incomplete information may cause delays in approving your application and/or may result in rejection of the application.
8. When you have properly submitted all materials for the application and passed the CFD inspection, then and **only then** will the City Clerk issue a City of Caldwell Permit for the Sale of Fireworks. Permits will be delivered by CFD staff and **MUST** be posted so they are readily visible to the public.
9. Failure to comply with, or a violation of any requirements of, the permit or fire code relating to the operation of temporary fireworks stands may result in a criminal citation being issued and/or the stand being ordered to close.

Attachments:

- Fireworks Storage Information form (Form #1)
- Inspection Requirements for Temporary Fireworks Stands form (Form #2)
- Acknowledgement form (Form #3) acknowledging that the applicant has read the attached copy of Caldwell City Code Article 13, Section 08-13-09 (Ordinance #2853).



Caldwell Fire Department

"Saving Lives, Protecting Property"

Division Chief Alan Perry, Fire Marshal

Fire Prevention Division

403 Blaine Street; Caldwell ID 83605

Phone 208-649-1266 Fax 208-455-3014

Inspection Requirements for Temporary Fireworks Stands (FOR YOUR INFORMATION. DO NOT RETURN WITH APPLICATION)

The following is a list of specific requirements that Applicants need to use to "pre-inspect" their stands for compliance. All items must be completed prior to the time of their scheduled fire inspection. Compliance with ALL of these will enhance your chances to pass your inspection the first time, allowing you to open sooner.

1. Stands must be at least 25' away from any other building or structure.
 2. Stands must be at least 100' away from any fuel storage / dispensing station.
 3. Stands must meet all International Code requirements for a "temporary" stand.
 4. Stands may not exceed 600 SF in floor area.
 5. Exit doors must be located at *both ends* of the structure, be thirty inches (30") wide and must open outward. Exits must be unobstructed, clearly marked and accessible.
 6. Stands must have two (2) fire extinguishers. One shall be a **2A** rated **water type extinguisher** and the other must be a **2A10BC** rated **multi-purpose** extinguisher. Extinguishers must have a current service tag dated within the past eleven months and must be mounted three to five feet above floor level. Extinguishers must be readily *visible* and *accessible* at all times. Extinguishers must not be blocked or used to hang things on.
 7. The following signage is required to be posted on all interior and exterior sides of the stand: "FIREWORKS - NO SMOKING WITHIN 50 FEET" and "NO FIREWORKS TO BE DISCHARGED WITHIN 300 FEET". These signs are to be in red, block-style lettering, 4" tall and must be visible and in a legible condition at all times. **Signage must also be in Spanish.**
 8. Stands must have at least one **metal** trash receptacle with a **securely-fitting lid** in place.
 9. Exit paths must be clear and unobstructed, and must remain that way at all times.
 10. Stands must be kept clean and free of empty boxes, paper or other debris or trash.
 11. All ground underneath and for 30 feet around all fireworks stands must be cleared, and kept clear of any weeds, combustible vegetation or material and debris.
 12. Motor vehicles or generators must be parked or kept at least twenty-five feet (25') away from the stand. **Sleeping in stands is prohibited.**
 13. No bare light bulbs may be used in the stand, all lights must have guards/covers on them.
 14. Exit signs (8" x 12") must be posted above or on each exit door.
 15. Exit doors must open *outward* with minimal effort.
 16. The "Permit to Operate" must be posted and visible to the public at all times.
 17. No one under the influence of drugs or alcohol is allowed in the stand at any time.
 18. Stands must be at least 100', but not less than 500', from a working fire hydrant.
- * **Fireworks may only be sold from 12:00 AM on June 22 until 12:01AM on July 5.**
- * **NO one under the age of 16 years is permitted inside the fireworks stand at any time.**
- * **NO fireworks may be sold to any minor under the age of 16 years. (Proof of age and/or photo ID is required.)**
- * **NO smoking inside or within 50 feet of a fireworks stand.**
- * **NO parking within 25 feet of a fireworks stand.**

NO FIREWORKS STAND MAY SELL FIREWORKS UNTIL ALL REQUIREMENTS ARE MET.

Caldwell City Code 08-13-09; Caldwell Fireworks Ordinance

08-13-09: AMENDMENTS TO FIRE CODE:

The following are amendments to the International Fire Code, as adopted by the State of Idaho, which amendments are permitted by Idaho law inasmuch as each such amendment meets or exceeds the minimum standards required by the State of Idaho under Idaho Code § 41-253(1) and IDAPA 08.01.50:

AMENDMENT ONE: Pursuant to IDAPA 18.01.50.041, Section 5608.2 of the International Fire Code, entitled "Permit Application," was deleted. The following shall govern the use, storage, possession, and display of fireworks in the City of Caldwell:

I. TITLE AND PURPOSE:

This Amendment, consisting of Subsections I through VIII, inclusive, may be referred to in whole as the "Caldwell Fireworks Ordinance," and is intended to govern the use, storage, possession, and display of fireworks in the City of Caldwell. Should any provision hereof, or other law or standard be found to be in conflict with one another, the law or standard that is more restrictive shall be used and will apply.

II. DEFINITIONS:

A. Caretaker Unit: 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 operation during non-business hours. This definition shall not include camping tents.

B. Dangerous Fireworks: All fireworks other than non-aerial common fireworks which launch into the air and/or explode including but not limited to: firecrackers, bottle rockets, cherry bombs, M-80's, roman candles, sky rockets, mortar fired shells, jumping jacks, etc.

C. Fireworks: 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 items classified as common or special fireworks by the United States bureau of explosives or contained in the regulations of the USDOT and designated as United Nations (UN) 0335 1.3G or UN 0336 1.4G.

D. Non-Aerial Common Fireworks (Also Known As "Safe And Sane" Fireworks): 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 (15) foot diameter circle or emit sparks or other burning material which land outside a twenty (20) foot diameter circle or above a height of twenty (20) feet.

E. Novelty Fireworks: 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.

F. Operation: A business, whether formally or informally organized, in which the operator sells fireworks at retail.

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

H. Permittee: The person to whom a non-aerial common fireworks permit or public fireworks display permit is issued pursuant to the Caldwell Fireworks Ordinance.

I. Public Fireworks Display: The discharging of fireworks for the purpose of producing a visible or audible effect before an audience at a planned function or event. This definition shall not include the discharging of novelty fireworks.

J. Retail: Merchandise sold to a "consumer" of the product (not for resale) consisting of any quantity from a single unit (or item) up to and beyond a gross lot of that item or combinations of items in various quantities.

K. Short-Term Storage Container: Any container that is used for the storage of non-aerial common fireworks when:

1. The non-aerial common fireworks stored therein are possessed under the authority of a non-aerial common fireworks permit and:

- a. The operation is closed, and/or
- b. Such fireworks are not actively being sold or offered for sale.

2. The non-aerial common fireworks stored therein are possessed under the authority of a public fireworks display permit and such fireworks are not actively being used for any public fireworks display.

Except as otherwise provided in the Caldwell Fireworks Ordinance, 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 inter-modal container; or a shed, detached garage, barn, outbuilding, or other permanent structure.

L. Summer Sales Period: From 11:59 P.M. June 22 to 12:01 A.M. July 5.

M. Temporary Fireworks Stand: A temporary stand or tent from which non-common aerial 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 the Caldwell Fireworks Ordinance.

N. Wholesale: Idaho statute section 39-2602 defines "wholesale" to mean the sale of fireworks to a retailer or wholesaler.

However, "wholesale" also means "a large quantity" (Oxford American Dictionary) of a product. For the purpose of enforcing the Caldwell Fireworks Ordinance, "a large quantity" is hereby determined to consist of "a gross lot" consisting of 144 pieces or more. (Example: 144 or > retail packages of firecrackers, 144 or > retail packages of bottle rockets, 144 or > retail packages of sky rockets, etc.)

O. Winter Sales Period: From 11:59 P.M. December 25 to 12:01 A.M. January 1.

III. PERMIT FOR RETAIL SALES OF NON-AERIAL COMMON FIREWORKS:

A. No person, without having a valid non-aerial common fireworks permit issued pursuant to the Caldwell Fireworks Ordinance, 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 non-aerial common fireworks in any manner or for any use or purpose.

B. Application for a non-aerial common fireworks 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. Applicant's and on-site managers' name, age, date of birth, and social security number (a photocopy of driver's license preferred);
2. If operation is a partnership, corporation, or limited liability company, the names and addresses of, as applicable:
 - a. All partners;
 - b. All corporation and corporate officers; or
 - c. The company and its members.
3. Physical and mailing addresses of applicant's home and principal place of business and fixed and/or mobile telephone numbers;
4. Name and address and fixed and/or mobile telephone numbers of applicant's registered agent for service of process;
5. Idaho sales tax seller's permit number, if applicable;
6. Physical address and description of each and every location at which fireworks are to be stored;
7. Dates during which non-aerial common fireworks are to be stored;
8. Physical address and description of any and all locations at which non-aerial common fireworks are to be sold and/or offered for sale;
9. Dates during which non-aerial common fireworks are to be sold and/or offered for sale;
10. A "to scale" site plan, which shall include a description of:
 - a. Location, type, and dimensions of any temporary fireworks stand, caretaker unit, power generator(s) and/or short-term storage container to be located at the sales site;
 - b. The distance (in feet) from the temporary fireworks stands and/or short-term storage containers, setbacks from property lines, to any fuel dispensing equipment, the nearest fire hydrant;
 - c. All roadways and parking areas;
 - d. Vision sight triangle (for driveway exits if located on a corner);
 - e. Waste control plan (receptacles or dumpsters).
11. Such other information as the city clerk or fire code official may require.

C. The city clerk shall direct the necessary investigations into the application in order to determine:

1. Whether the proposed operations, activities, and/or uses are in compliance with the Caldwell Fireworks Ordinance and/or all other applicable provisions of Caldwell city code and/or state and/or federal law;
2. Whether use of such permit by applicant or applicant's agent, employee, partner, or officer will likely endanger the health, safety, and/or welfare of persons or property; and
3. Whether issuance of such permit will serve the best interest of the city.

The city clerk shall notify the planning department, building department, fire department and the police department, which departments shall, with the city clerk, cause an investigation to be made of each application and applicant, and shall recommend to the city clerk whether he or she should grant or deny the non-aerial common fireworks permit.

D. Applications for non-aerial common fireworks permits authorizing the permitted to sell non-aerial common fireworks during the summer sales period shall be filed with the city clerk on or before May 15, or the next business day if such date falls on a non-business day, preceding the summer sales period in which non-aerial common fireworks are to be sold. Applications for non-aerial common fireworks permits authorizing the permitted to sell non-aerial common fireworks during the winter sales period shall be filed with the city clerk on or before November 15, or the next business day if such date falls

on a non-business day, preceding the winter sales period in which non-aerial common fireworks are to be sold.

E. So long as the application is filed by the applicable May 15 or November 15 deadline, the city clerk shall notify the applicant if deficiencies in the application exist and the applicant shall have five (5) business days from the date of the notice to correct any deficiencies. Notwithstanding any such extension or extensions, any application pending required action by applicant more than 30 days after the respective May 15 or November 15 deadline shall be denied.

F. A separate application shall be filed for each and every operation and location at which non-aerial common fireworks are to be sold and/or offered for sale.

G. A separate application shall be filed for each and every summer or winter sales period during which non-aerial common fireworks are to be sold.

H. The city clerk shall deny an application for a non-aerial common fireworks permit:

1. Where the applicant, or applicant's agent, employee, partner, or officer, 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, or applicant's agent, employee, partner, or officer, has been convicted in the preceding one (1) year of a violation of any zoning, building, fire or health and safety codes of the city of Caldwell.

3. Where the city has revoked or suspended from applicant, or applicant's agent, employee, partner, or officer a non-aerial common fireworks permit issued pursuant to the Caldwell Fireworks Ordinance, in the preceding one (1) year.

4. Where the planning and zoning department, building department, fire department or police department report that:

a. The proposed operations, activities, and/or uses are not in compliance with the Caldwell Fireworks Ordinance and/or any other applicable provisions of Caldwell city code and/or state and/or federal law;

b. Use of such permit by applicant or applicant's agent, employee, partner, or officer will constitute an unreasonable hazard to persons or property; or

c. Issuance of such permit would not serve the best interest of the city.

Any denial of an application for a non-aerial 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. postal service 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.

I. Each non-aerial common fireworks permit application shall be accompanied by an application fee as established on the most current city fee schedule for each operation for which a permit is sought.

J. Each non-aerial common fireworks permit application shall be accompanied by a certificate of insurance for public liability and property casualty insurance providing coverage with policy limits equal to or greater than the minimum designated by council resolution. The policy of insurance shall be underwritten through or by a qualified and duly licensed insurance company or companies doing or authorized to do insurance business in Idaho.

K. A non-aerial common fireworks permit issued pursuant to the Caldwell Fireworks Ordinance shall be valid only for the period designated and for the specific location designated in the permit, and shall be nontransferable.

L. The city clerk, the fire chief, or a designee of either, may revoke a non-aerial common fireworks permit issued pursuant to the Caldwell Fireworks Ordinance where:

1. The operator conducts a use, condition, and/or activity not allowed under the terms of the permit.

2. The operator violates conditions and/or limitations set forth in the permit, or allows others to do same proximal to their operation.

3. The application for the permit contains any material false statements or misrepresentations.

4. The permit is used by a different operator or operation than to whom it was issued.

5. The permit was issued in error or in violation of any ordinance or law.

6. The permittee fails to comply with any order or notice duly served in accordance with the provisions of the Caldwell Fireworks Ordinance or other applicable law.

7. The permittee fails to comply with any provision of federal law, the Idaho state fireworks act (title 39, chapter 26), and/or Caldwell city code, including, but not limited to, the Caldwell Fireworks Ordinance.

Any revocation or suspension of a non-aerial common fireworks permit shall be made in writing and shall describe the reason(s) for such action. Such written notification shall be deemed effective immediately upon personal service to the permittee or mailing by U.S. postal service to the permittee's mailing address as set forth in the application. The permittee

may request a hearing on such action 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 action. The city council shall have the authority to affirm the revocation or suspension and may order the city clerk to reinstate the permit. The action of the city council shall be final.

IV. RETAIL SALES OF NON-AERIAL COMMON FIREWORKS:

The following provisions shall apply to each and every operation. The sale of non-aerial common fireworks in violation of the Caldwell Fireworks Ordinance or in any manner or by any means not in accordance with the provisions of the Caldwell Fireworks Ordinance shall be unlawful.

A. No person, without having a valid non-aerial common fireworks permit issued pursuant to the Caldwell Fireworks Ordinance, 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 non-aerial common fireworks in any manner or for any use or purpose.

B. Only one (1) temporary fireworks stand shall be allowed per site.

C. No temporary fireworks stand used during the summer sales period shall be erected 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 noon on July 12. No temporary fireworks stand used during the winter sales period shall be erected before December 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 noon on January 8.

D. One (1) caretaker unit may be allowed per sales 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 feet (25') 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 noon on July 12. 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 noon on January 8.

E. The sale of fireworks shall be prohibited on any residentially zoned property or within 300 feet of any international building code (IBC) group A, E, I or R occupancies, or within 100 feet of any flammable liquid dispensing device or installation.

F. Non-aerial 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, unless otherwise authorized by the appropriate transportation or governmental authority. If a private sidewalk or pedestrian way is occupied by a structure, stand, tent, or sign associated with an operation, a minimum width of four feet (4') shall remain unobstructed along the entire width of such private sidewalk or pedestrian way. If such private sidewalk or pedestrian way is narrower than four feet (4') wide, at least one-half of the width thereof shall remain unobstructed along the entire width of such private sidewalk or pedestrian way.

G. 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 access as established by the appropriate transportation or governmental authority.

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

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

J. No person shall construct, or cause to be constructed, any permanent structure for the sale and/or offering for sale of non-aerial common fireworks. No operator may sell or offer for sale non-aerial common fireworks from or in a permanent structure or from a motor vehicle.

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

L. 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 non-public areas of a temporary fireworks stand. Operators shall maintain a list of all persons who will be working in the stand which shall include their full name, sex, age and date of birth. Persons working in stands shall have a photo identification card (driver's license, school ID card, etc.) in their possession at all times they are working.

N. 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. The verification of age by presentation of a recognized identification card (driver's license) is highly recommended.

O. Fireworks offered for retail sale shall not be readily accessible to the public.

P. As to each and every temporary fireworks stand, 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 federal, state, and local law and of Caldwell city code, including, but not limited to, planning and zoning regulations, the building code, the fire code, and the electrical code. The operator shall obtain any and all required permits from federal, state, local, and/or city agencies.

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 (30') 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. No temporary fireworks stand shall have a floor area in excess of six hundred (600) square feet.

4. Any and all temporary fireworks stands shall have exit doors at least thirty inches (30") wide at both ends of the temporary fireworks stand and one (1) additional door for each thirty-two feet (32') of rear wall in excess of thirty-two feet (32'). 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, non-opening, inaccessible, or malfunctioning.

5. Any and all temporary fireworks stands shall be located at least twenty-five feet (25') from any other building, property line or structure.

6. Any and all temporary fireworks stands shall be located at least twenty-five feet (25') 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 feet (100') from any flammable liquid dispensing device or installation.

8. Any and all temporary fireworks stands shall contain a minimum of one (1) type 2A10BC rated fire extinguisher, and one (1) 2A water type fire extinguisher. Such extinguishers shall, at all times: be in good working order, have a current inspection tag (serviced within the past year), and be easily accessible for use in case of fire in the temporary fireworks stand or the immediate proximity thereof.

9. 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 the Caldwell Fireworks Ordinance governing short-term storage facilities shall apply.

10. No person shall sleep or be under the influence of any intoxicants including alcohol or drugs at any time in any temporary fireworks stand.

11. Vehicles shall not be parked within twenty-five feet (25') of the exterior of any temporary fireworks stand.

12. No person shall smoke inside any temporary fireworks stand, or within fifty feet (50') of any temporary fireworks stand.

13. At least one (1) durable sign with red, block lettering on a white background and reading, "FIREWORKS - NO SMOKING WITHIN 50 FEET" in letters at least four inches (4") high shall be posted on each and every interior and exterior wall or side of any and all temporary fireworks stands. Such signs shall be maintained in a legible condition at all times.

14. No operator shall allow fireworks to be discharged in or within three hundred feet (300') of any temporary fireworks stand. At least one (1) durable sign with red, block lettering on a white background and reading, "NO FIREWORKS TO BE DISCHARGED WITHIN 300 FEET" in letters at least four inches (4") high 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 legible condition at all times.

15. Waste receptacles in any temporary fireworks stand shall be non-combustible (metal) and shall have a securely-fitting lid.

16. All permits and notices are required to be posted in or on the stand visible to the public at all times.

17. All temporary fireworks stands shall be located not more than 500 feet or less than 100 feet of a fire hydrant capable of flowing at least 1,000 gallons per minute.

18. All warning signs and notices shall also be posted in Spanish language.

V. STORAGE OF NON-AERIAL COMMON FIREWORKS:

The following provisions shall apply to each and every operation. The storage of non-aerial 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 person, without having a valid non-aerial common fireworks permit issued pursuant to the Caldwell Fireworks Ordinance, shall store for the purpose of sale or cause to be stored for the purpose of sale non-aerial common fireworks in any manner or for any use or purpose.

B. Only one (1) short-term storage container in addition to the temporary fireworks stand shall be allowed per site.

C. 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 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 noon on January 8.

D. The storage of fireworks shall be prohibited on any residentially zoned property or within 300 feet of any international building code (IBC) group A, E, I or R occupancies.

E. Short-term storage containers shall not be placed or erected within the public right-of-way, unless otherwise authorized by the appropriate transportation or governmental authority. If a private sidewalk or pedestrian way is occupied by a short-term storage container, a minimum width of four feet (4') shall remain unobstructed along the entire width of such private sidewalk or pedestrian way. If such private sidewalk or pedestrian way is narrower than four feet (4') wide, at least one-half of the width thereof shall remain unobstructed along the entire width of such private sidewalk or pedestrian way.

F. No person shall construct, or cause to be constructed, any permanent structure for the storage of non-aerial common fireworks.

G. Stored fireworks shall be secured in a manner that denies any and all access to such fireworks by persons other than the operator.

H. No operator shall cause or allow any exit from a short-term storage container to be obstructed, inaccessible, or malfunctioning.

I. As to each and every short-term storage container, 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 federal, state, and local law and of Caldwell city code, including, but not limited to, community development standards, the international building code, the international fire code, and the national electrical code. The operator shall obtain any and all required permits from federal, state, local, and/or city agencies.

2. Non-aerial 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 non-aerial common fireworks is allowed under a non-aerial 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 (30') perimeter thereof shall be cleared and maintained clear (to bare earth) 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 and twenty (320) square feet.

5. Any and all short-term storage containers shall be located at least twenty-five feet (25') from any other building or structure, including, but not limited to, any temporary fireworks stand and all property lines.

6. Any and all short-term storage containers shall be located at least twenty-five feet (25') from any generator or other internal combustion power sources and/or their fuels.

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

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

10. Vehicles shall not be driven or parked within twenty-five feet (25') of the exterior of any short-term storage container, except to load or unload fireworks. Any vehicles engaged in loading or unloading shall have their motors turned off during either of those processes and shall not block exits, reduce door swing or block escape routes from the short-term storage container.

11. No person shall smoke inside or within fifty-feet (50') of any short-term storage container.

12. At least one (1) durable sign with red, block lettering on a white background and reading, "FIREWORKS - NO SMOKING WITHIN 50 FEET" in letters at least four inches (4") high 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 and must not be blocked or obstructed by products or materials.

13. No operator shall allow fireworks to be discharged in or within three hundred feet (300') of any short-term storage container. At least one (1) durable sign with red, block lettering on a white background and reading, "NO FIREWORKS TO BE DISCHARGED WITHIN 300 FEET" in letters at least four inches (4") high 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 inside or around any short-term storage container.

16. Waste receptacles are prohibited in any and all short-term storage containers, unless such receptacle is non-combustible (metal) and has a securely-fitting lid.

17. All short-term storage containers shall be located within 300 feet of a fire hydrant capable of flowing at least 1,000 gallons per minute.

18. All short-term storage containers shall be secured with a heavy-duty lock at all access points when no supervised loading or unloading is in progress.

J. 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 the Caldwell Fireworks Ordinance.

2. Where such temporary fireworks stand is constructed with hard sides, shall be secured with a heavy-duty lock and key at all access points.

3. Where such temporary fireworks stand is constructed with canvas or other soft material sides, the stand shall be constantly watched by a competent adult 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 person for purposes of this section.

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

1. Shall comply with all applicable provisions of this chapter in addition to any and all other applicable provisions of the International Fire Codes (IFC).

2. Shall be effectively "chocked" to prevent rolling and secured by a working lock or locks at all times and at all access points, except during supervised loading and/or unloading of merchandise.

3. Be properly marked and/or placarded in accordance with USDOT requirements (UN hazardous materials identification signs).

4. May not be used for both fireworks storage and debris or waste disposal simultaneously.

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 the IFC, IBC and the Caldwell Fireworks Ordinance;

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 hand-held, battery-operated flashlights may be used therein; and

6. Shall be separated by a minimum of twenty-five feet (25') 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.

VI. GENERAL PROHIBITIONS:

A. It shall be unlawful for any person to:

1. Alter any fireworks, except where such alteration complies with:

a. A public fireworks display permit validly issued pursuant to the Caldwell Fireworks Ordinance;

b. All provisions of the Caldwell Fireworks Ordinance; and

c. All other applicable provisions of federal, state, and local law;

2. Throw or discharge any fireworks from, into or at a vehicle or structure;

3. Throw or discharge any fireworks at any person or animal;

4. Sell, store, possess, discharge, or use any fireworks in violation of the Caldwell Fireworks Ordinance, the IFC or any other law;

5. Throw or discharge any fireworks in or near any dry grass or other vegetative fuels, or, 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 of severe fire threat is given in advance;

6. Discharge fireworks within three hundred feet (300') of any temporary fireworks stand or short-term storage container;

7. Smoke within fifty feet (50') of any temporary fireworks stand or short-term storage container;

8. Ignite a flame within fifty feet (50') of any temporary fireworks stand or short-term storage container;

9. Operate a motor vehicle within twenty-five feet (25') of any temporary fireworks stand or short-term storage container; or

10. Obstruct or cause to be obstructed, inoperable, inaccessible, or malfunctioning any exit from a temporary fireworks stand or short-term storage container.

B. It shall be unlawful for any person to discharge any dangerous fireworks at any time, unless otherwise permitted in the Caldwell Fireworks Ordinance. It shall be unlawful for any person, not otherwise licensed to import at wholesale, to possess any dangerous fireworks in a quantity less than a wholesale amount.

C. It shall be unlawful for anyone under the age of sixteen (16) years to purchase, possess, or discharge any non-common aerial fireworks, except in the presence of a parent or legal guardian.

VII. LIABILITY OF PARENTS OR GUARDIANS:

The parent, guardian or other person having custody or control of a minor shall be liable for any and all damages caused by the discharge or use of fireworks by the minor, including any chargeable fire suppression costs.

VIII. PERMIT FOR PUBLIC FIREWORKS DISPLAY:

A. No person, without having a valid Caldwell fire department issued public fireworks display permit issued pursuant to the Caldwell Fireworks Ordinance, 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.

B. 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. Applicant's full and legal name, age, date of birth and social security number (photocopy of driver's license preferred);

2. If the public fireworks display for which the permit is sought is to be performed by a partnership, corporation, or Limited Liability Company, the names and addresses of, as applicable:

a. All partners;

b. All corporation and corporate officers; or

c. The company and its members.

3. Physical and mailing addresses of applicant's home and principal place of business, and business and mobile telephone numbers;

4. Name and address of applicant's registered agent for service of process;

5. Physical address and description of each and every location at which fireworks are to be stored;

6. Dates during which non-aerial common fireworks are to be stored;

7. Physical address and a description of location at which the public fireworks display is to occur.

8. Date(s) on which public fireworks display is to occur;

9. A site plan for the storage of fireworks to be used in the public fireworks display for which the permit is sought, which plan shall include, but shall not be limited to, a description of:

a. Location, type, and dimensions of short-term storage containers to be used;

b. The distance from other structures of any short-term storage container.

10. A site plan for the proposed site of the public fireworks display for which the permit is sought, which plan shall comply with the standards set forth in NFPA standards 1123 and 1126.

11. Description of prior pyrotechnical experience with references including dates, names of client(s) and a contact phone number for them.

12. Such other information as the city clerk or fire code official may require.

C. The city clerk shall direct the necessary investigations into the application in order to determine:

1. Whether the proposed activities and/or uses are in compliance with the Caldwell Fireworks Ordinance and/or all

other applicable provisions of Caldwell city code and/or state and/or federal law;

2. Whether use of such permit by applicant or applicant's agent, employee, partner, or officer will constitute an unreasonable hazard to persons or property;

3. Whether use of such permit on the date(s) and at the time(s) proposed will constitute an unreasonable hazard to persons or property; and

4. Whether issuance of such permit will serve the best interest of the city.

The city clerk shall notify the fire department and the police department, which departments shall, with the city clerk, cause an investigation to be made of each application and applicant, and shall recommend to the city clerk whether he or she should grant or deny the public fireworks display permit.

D. Applications for public fireworks display permits shall be filed with the city clerk at least forty-five (45) days before the date on which the proposed public fireworks display is to occur.

E. So long as the application is filed at least forty-five (45) days preceding the date on which the proposed public fireworks display is to occur, the city clerk shall notify the applicant if deficiencies in the application exist and the applicant shall have five (5) business days from the date of the notice to correct any deficiencies. Notwithstanding any such extension or extensions, any application pending required action by applicant within thirty (30) days of the proposed public fireworks display shall be denied.

F. A separate application shall be filed for each and every public fireworks display, except for special seasonal uses such as high school football games, where a single permit shall suffice for the entire season.

G. The city clerk shall deny an application for a public fireworks display permit where:

1. The applicant is under the age of twenty-one (21) years.

2. The applicant, or applicant's agent, employee, partner, or officer, 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.

3. The city has revoked from applicant, or applicant's agent, employee, partner, or officer a non-aerial common fireworks permit or public fireworks display permit issued pursuant to the Caldwell Fireworks Ordinance, in the preceding one (1) year.

4. The fire department or police department report that:

a. The proposed operations, activities, and/or uses are not in compliance with the Caldwell Fireworks Ordinance and/or any other applicable provisions of Caldwell city code and/or state and/or federal law;

b. Use of such permit by applicant or applicant's agent, employee, partner, or officer will constitute an unreasonable hazard to persons or property;

c. Use of such permit on the date(s) and at the time(s) proposed will constitute an unreasonable hazard to persons or property; or

d. Issuance of such permit would not serve the best interest of the city.

5. Any denial of an application for a public fireworks display 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.

H. Each public fireworks display permit application shall be accompanied by an application fee as set in the current adopted city fee schedule for each operation for which a permit is sought.

I. Each public fireworks display permit application shall be accompanied by a certificate of insurance for public liability and property casualty insurance providing coverage with policy limits equal to or greater than the minimum designated by council resolution. The policy of insurance shall be underwritten through or by a qualified and duly licensed insurance company or companies doing or authorized to do insurance business in Idaho.

J. A public fireworks display permit issued pursuant to the Caldwell Fireworks Ordinance shall be valid only for the period designated and for the specific location designated in the permit, and shall be nontransferable.

K. The city clerk, the fire chief, or a designee of either, may revoke or suspend a public fireworks display permit issued pursuant to the Caldwell Fireworks Ordinance where:

1. The operator conducts a use, condition, and/or activity not allowed under the terms of the permit, or failure to follow recommendations of any NFPA or other recognized safety standards relating to fireworks and fireworks displays.

2. The operator violates conditions and/or limitations set forth in the permit.

3. The application for the permit contains any material false statements or misrepresentations.
4. The permit is used by a different operator or operation than to whom it was issued.
5. The permit was issued in error or in violation of any ordinance or law.
6. The permittee fails to comply with any order or notice duly served in accordance with the provisions of the Caldwell Fireworks Ordinance or other applicable law.
7. The permittee fails to comply with any provision of federal or state law, the Idaho state fireworks act, and/or the Caldwell Fireworks Ordinance.

Any revocation of a public fireworks display 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. postal service 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.

AMENDMENT TWO: Amend IFC section 903.2 "Where Required." to read:

Automatic sprinkler systems are required in all new buildings regulated under the International Building Code (IBC) in excess of 5,000 square feet, except those buildings which are categorized under Occupancy Group U or Occupancy Group R-3.

AMENDMENT THREE: The City of Caldwell hereby adopts a new subsection to Section 108 of the IFC, entitled "Board of Appeals," to wit, Section 108.4, entitled "Procedure for Appeals," which new subsection provides a procedural framework for the processing of appeals of a decision of the fire code official made in accordance with Section 108 of the IFC, as follows:

108.4 Board of Appeals; Procedure for Appeals. The Board of Appeals established in Section 108.1, above, shall be appointed and act in accordance with the provisions of this Subsection 108.4. All appeals brought pursuant to Section 108 of the IFC shall be processed in the manner described herein.

108.4.1 Terms of Members of the Board of Appeals; Officers. Members of the board shall serve for five-year terms, provided that the persons first appointed shall serve for one, two, three, four and five-year terms, so that one term will expire each year. Terms will start on the date the initial five members are officially appointed. The board shall select from among its members a chair, vice-chair and secretary.

108.4.2 Services and Supplies. The city clerk shall assign office help and provide supplies for the work of the board, as necessary.

108.4.3 No Compensation. Members of the board shall serve without pay. Members may be reimbursed for their expenses.

108.4.4 Appeal Procedure. Any person aggrieved by any decision of any person or persons in the building department may appeal in the manner provided in this section.

108.4.4.1 Appeals to Appeals Board. Any person aggrieved by a decision of the *fire code official* hereunder may, within ten (10) working days of the decision, appeal to the Board of Appeals. The appeal shall be initiated by filing a written petition with the City Clerk, requesting a hearing of the appeal, setting forth the particular section of the International Fire Code involved, and shall contain a detailed statement of the grounds and reasons why the appellant believes the decision made was an incorrect interpretation of the International Fire Code, why the provisions of the International Fire Code did not apply, or that an equivalent method of protection or safety is proposed and is appropriate. A ten (\$10.00) dollar filing fee shall be submitted with the petition for appeal to cover administrative costs and shall be made payable to the City and directed to the City Clerk. Failure to file a timely written petition as required herein shall constitute a waiver of the right to appeal and the decision of the Building Official shall constitute a final determination.

108.4.4.1 Schedule of Hearing. Upon receipt of a timely filed written petition with the City Clerk, and the appropriate filing fee, the City Clerk shall promptly notify the chairperson of the Board and the *fire code official* of the appeal. The City Clerk shall arrange a time and place for hearing on the appeal. Written notification of the time, place and nature of the hearing shall be given to the petitioner and the Board members within ten (10) days after the petition is filed with the City Clerk. Hearing shall be scheduled no later than thirty (30) days after the date on which the petition was filed and may be extended for a reasonable period by the chairperson upon written request of the petitioner or Building Official, for good cause shown. If a petitioner fails to appear at a scheduled hearing of his or her appeal, the Board may proceed with the hearing and make a decision in the absence of the petitioner. In the event a Board of Appeals has not yet been appointed at the time of the filing of the petition, all of the time periods referenced in this Section 108.4.4.1, above, shall be tolled until the date upon which the Board of Appeals has been lawfully appointed. Should a Board of Appeals not be lawfully appointed within sixty (60) days of the date of filing of a petition, Appellant may choose to proceed by making a written request to the City Clerk that his appeal be considered immediately by the City Council, as set forth in Section 108.4.4.3, below.

108.4.4.2 Hearing Procedures.

108.4.4.2.1. The hearing shall be open to the public and shall be recorded either by mechanical or manual means. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved. Parties may represent themselves or may be represented by legal counsel.

108.4.4.2.2. Irrelevant, immaterial or unduly repetitious evidence may be excluded. A finding shall be based upon the kind of evidence on which reasonable prudent persons are accustomed to rely for the conduct of their serious affairs, and may be based upon such evidence even if it would be inadmissible in a court of law. The Board of Appeals shall give effect to the rules of privilege recognized by law. Objections to the evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interest of the parties will not be prejudiced substantially, any part of the evidence may be required to be submitted in verified written form.

108.4.4.2.3. Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original, if available.

108.4.4.2.4. Witnesses at the hearing, or available persons whose testimony has been submitted in written form, shall be subject to cross-examination by any party as necessary for a full and true disclosure of the facts.

108.4.4.2.5. The Board's experience, technical competence and specialized knowledge may be utilized and relied upon in the evaluation of the evidence.

108.4.4.2.6. The chairperson of the Board or his or her designee shall conduct the hearing and have power to administer oaths. The Board may cause subpoenas to be issued for such witnesses and the production of such books and papers as either party may designate. The subpoenas may be signed by the chairperson of the Board.

108.4.4.2.7. No hearing shall be valid unless a majority of the Board is present and no decision at the hearing shall be valid and binding unless reached by a majority of all members of the Board.

108.4.4.2 Prompt Decisions. The Appeals Board shall announce its decision, in writing, within twenty (20) working days of the date of the hearing before the Board.

108.4.4.3 Appeal to the City Council.

108.4.4.3.1 Any party aggrieved by a decision of the *fire code official*, after appealing said decision to the Board of Appeals, may subsequently appeal said decision to the City Council by filing a written notice of such appeal with the City Clerk within ten (10) days of the date of the written decision of the Board of Appeals.

108.4.4.3.2 The City Council will conduct a public hearing at the next regularly scheduled Council meeting, following receipt of the appeal, provided that a notice period of at least fifteen (15) days be provided to the *fire code official*, to the appellant, and to other interested parties, if any, prior to said hearing. If there is not sufficient time for allowing said notice then the public hearing will be held at the first regularly scheduled Council meeting which will allow for a fifteen (15) day notice of hearing.

108.4.4.3.3 The public hearing shall be conducted in accordance with the provisions of the Idaho Administrative Procedures Act, Idaho Code, sections 67-5201, et seq.

108.4.4.3.4 The decision of the City Council as to the appeal shall be issued in writing, shall be based upon the same standards as the appeal to the Board of Appeals, and shall be a final decision.

108.4.4.3.5 A party aggrieved by the appeal decision may seek judicial review in the District Court of the Third Judicial District within twenty-eight (28) days of the adoption and issuance of the written decision by the City Council.

AMENDMENT FOUR: The City of Caldwell hereby adopts Appendix J of the IFC, entitled "Building Information Sign." (Ord. 3305, 12-21-2020)

08-13-11: APPEALS:

(1) Whenever the fire code official, other than the fire chief, disapproves an application or refuses to grant a permit applied for, or portions of any inspection or plan review are in dispute and cannot be mediated between the fire code official and the party/parties involved, the first course of appeal is to the fire chief.

(2) Whenever the chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code has been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief to a board of appeals within thirty (30) days from the date of the decision appealed.

(3) The appeals board will determine the suitability of alternate materials and type of construction, and to provide for reasonable interpretation of the provisions of this code, the board has to act within the scope and purpose of the code. The appeals board cannot violate the code in their rulings.

(4) There shall be and hereby is created a board of appeals consisting of five (5) members who are qualified by experience and training to pass upon pertinent matters. The fire chief shall be an ex officio member and shall act as secretary of the board. The board of appeals shall be appointed by the mayor with the advice and consent of the council and shall hold office at their pleasure. The board shall render all decisions and findings in writing to the fire chief, with a duplicate copy to the appellant, and may recommend to the executive body such new legislation as is consistent within the fire code.

(5) At the hearing before the board of appeals, the appellant may present evidence, call witnesses and be represented by counsel. Within ten (10) working days after the date of the hearing, the board of appeals shall render their decisions and/or findings.

(6) The decision of the board of appeals shall be final and conclusive. Appeal from a decision of the board must be made to the state fire marshal office, and then to the district court for Canyon County. (Ord. 2678, 4-16-2007)