

ORDINANCE 1555

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING SECTION 8.20.050 OF THE PAYETTE MUNICIPAL CODE TO ALLOW APPLICATIONS FOR NON-AERIAL FIREWORKS PERMIT TO BE APPROVED BY THE FIRE CHIEF OR THEIR DESIGNEES. SETTING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PAYETTE, IDAHO, AS FOLLOWS;

Section 1. Chapter 8.20.050 of the Payette Municipal Code, is hereby amended to read as follows:

8.20.050: APPLICANT; INVESTIGATION; PERMIT APPROVAL OR DENIAL STANDARDS:

The City of Payette Fire Chief or his/her designee shall cause an investigation to be made of each application. The Fire Chief or such designee shall have the authority to approve or deny any application subject to such reasonable conditions, if any, as it shall prescribe and subject to the following conditions:

A. Retail sale of fireworks to be permitted from temporary stands only. Except as may be provided for in subsection O of this section, no sales shall be permitted from permanent buildings or structures.

B. Temporary stands need not comply with the requirements of the building code of the city; provided, however, that all such stands shall be erected under the supervision of the fire chief or his designee and shall meet any structural stability requirements set by the city as they pertain to temporary structures. Stands shall be constructed in a safe manner and of such materials as will ensure the safety of the attendants, patrons and other persons. If wired for electricity, the wiring must conform to the electrical code of the city and the state of Idaho.

C. Each stand shall have at least two (2) exits at least thirty inches (30") wide which shall be unobstructed at all times and one additional exit for each thirty two feet (32') of rear wall area in excess of twenty five feet (25'). All doors shall open outward and be free and clear at all times.

D. Each stand shall have at least two (2) fire extinguishers with a 2-A rated minimum rating or other type fire extinguishers approved by the fire chief or his designee. The extinguishers shall be located in a readily accessible place and shall be charged and in good working order.

E. No smoking shall be permitted in or within twenty five feet (25') of a fireworks stand. "NO SMOKING" signs shall be prominently displayed both inside and outside a fireworks stand and in a manner approved by the fire chief or his designee.

F. All weeds, grass and other combustible material shall be cleared from the fireworks stand and for a distance of not less than twenty feet (20') on each side of the stand.

G. Fireworks stands shall not be located within twenty five feet (25') of any other building or structure nor within fifty feet (50') of the property line of any gasoline station, oil storage tank or premises where inflammable liquids are kept or stored, nor within one hundred feet (100') of fuel dispensing devices.

H. Each fireworks stand shall have an adult supervisor in attendance at all times. No child or children under the age of sixteen (16) years shall be allowed inside any fireworks stand at any time, nor shall any child under the age of sixteen (16) years be allowed to sell fireworks.

I. Fireworks stands shall be located only in those areas within the city where business or commercial activities are authorized.

J. Fireworks shall not be discharged, ignited or exploded within one hundred feet (100') of any fireworks stand, gasoline station, oil storage tank or premises where inflammable liquids are kept or stored.

K. No fireworks stand shall have a floor area in excess of seven hundred fifty (750) square feet.

L. If merchandise is left in the stand when not open for business, an adult night watchman shall be present at the location. No person employed as a watchman shall be permitted to remain inside any stand when it is not open for business.

M. No person shall allow any rubbish to accumulate, or permit a fire nuisance to exist in or around the area where fireworks are sold.

N. No building where alcoholic beverages are sold for consumption on the premises shall be used for the retail sale of safe fireworks.

O. The Fire Chief or such designee may establish other regulations for permanent structures where fireworks are to be sold, so long as said regulations are reasonably necessary to protect the public health, safety and morals and apply uniformly to all applicants.

Section 2. This Ordinance may be published in summary form allowed by Idaho Code.

Section 3. This Ordinance shall be in full force and effect immediately upon passage and publication as required by the laws of the State of Idaho.

Section 4. Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

Section 5. If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall be applied to

effectuate the purposes of this Ordinance.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this 6th day of August, 2024.

CITY OF PAYETTE, IDAHO

by J. Daniel Lopez
J. Daniel Lopez, Mayor

ATTEST:

David Tate
David Tate, City Administrator

State of Idaho)
) ss.
County of Payette)

On this 6th day of August, in the year of 2024, personally appeared DAVID TATE and J. DANIEL LOPEZ, personally known to me to be the persons whose name is subscribed to the within instrument, and acknowledged to me that they executed the same on behalf of the City of Payette in their official capacities as Mayor and City Clerk.

Sarah Skelly
Notary Public for Idaho
Residing at: Payette
Commission expires: 6/18/2026

