

2017 APPLICATION FOR FIREWORKS PERMIT

Buchanan County Courthouse
210 5th Ave NE, Independence, IA 50644

APPLICANT: _____ Phone: _____

ADDRESS: _____

DATE OF BIRTH: _____

ORGANIZED GROUP: _____ Phone: _____

ADDRESS: _____

DATE/TIME OF DISPLAY: _____

RAIN DATE/TIME OF DISPLAY: _____

LOCATION OF DISPLAY: _____

OPERATOR: _____ Phone: _____

ADDRESS: _____

Attach copies of valid driver's license for applicant and operator unless they are the same.

Qualifications of Operator (Copy of proof must be attached)

1. _____ Pyrotechnic Guild International, Inc. certification
2. _____ Other formal fireworks safety training. Please specify: _____

INSURANCE COVERAGE (Attach original certificate of insurance)

Company Name: _____

Policy Number: _____ Coverage Amount: _____

Risk Manager: _____

Fire Prevention Measures: _____

I _____ being Fire Chief of the _____
 Fire Department, do hereby approve of the location and fire prevention of this Fireworks display.

Fire Chief: _____ Date: _____

I hereby affirm that I have read the Buchanan County Fireworks Permit Ordinance; that I understand the terms; that no person shall handle or explode Fireworks while under the influence of alcohol, narcotics, or drugs which could adversely affect judgment, movements, or stability; that no person will set up or explode Fireworks after 11:00 p.m.; that no person will set up or explode Fireworks who is not 18 and qualified as set out above or who is not under the direct supervision of the Operator; that the Operator will conduct a thorough search for any unexploded Fireworks or fuses; that any unexploded Fireworks will be disposed of in a safe manner; and that the Organized Group, Operator, and I will follow its terms and the laws of the State of Iowa.

Further, I specifically agree to protect, defend, and hold Buchanan County, Iowa, its officers and employees, and the Fire Chief who signs this application harmless from any and all damages or claims for damages that might arise or accrue by reason of the granting of the permit for which I am applying.

Date

Signature of Applicant

This application (is) (is not) approved by the Buchanan County Board of Supervisors on the _____ day of _____ 2017.

Buchanan County Board of Supervisors, Chair

\$25.00 Fee Paid Check or _____
 Money Order _____

RESOLUTION 17-59

WHEREAS, the Iowa Legislature passed Senate File 489, an Act relating to the possession, sale, transfer, purchase, and use of fireworks, providing penalties, and including effective date provisions; and

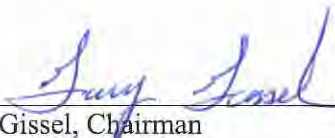
WHEREAS, said legislation was approved and signed by the Governor on the 9th day of May; and

WHEREAS, Chapter 36 of the Buchanan County Ordinances requires permits for the use of fireworks within the rural areas of Buchanan County as provided by the authority stated in Iowa Code Sections 331.304(9) and 727.2.

NOW THEREFORE BE IT RESOLVED the Board of Supervisors approves the use of 1.4 Consumer fireworks between June 1 through July 8 and December 10 through January 3 of each year, all dates inclusive and subject to the time of day limitations provided in 727.2(4)(b).

BE IT FURTHER RESOLVED a permit for the use of consumer fireworks shall be approved by the Buchanan County Board of Supervisors. A person who uses or explodes consumer fireworks or novelties without a permit or while the use of such devices is prohibited commits a simple misdemeanor, punishable by a fine of not less than two hundred fifty dollars.

Passed and adopted this 12th day of June 2017.



Gary Gissel, Chairman
Board of Supervisors
Buchanan County, Iowa

ATTEST:



Cindy Gosse, Auditor

CHAPTER 36

FIREWORKS

36.01	Purpose
36.02	Definitions
36.03	Sale or Display of Fireworks Prohibited
36.04	Permit for Public Fireworks Display
36.05	Permit Application Requirements
36.06	Investigation
36.07	Determination Criteria
36.08	Unused Fireworks
36.09	Exempt Usages
36.10	Seizure of Prohibited Fireworks
36.11	Suspension of Fireworks Permit
36.12	Penalty

36.01 PURPOSE. The purpose of this Chapter is to implement the provisions of Iowa Code Sections 331.304(9) and 727.2 respecting the authority of Buchanan County to regulate the use of fireworks within its territory and to prohibit the unlawful use, sale, or possession of fireworks.

36.02 DEFINITIONS. For purposes of this Chapter, the following terms shall apply:

1. “Fireworks” shall mean and include any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and includes blank cartridges, firecrackers, torpedoes, sky rockets, roman candles, or other fireworks of like construction and any fireworks containing any explosive or inflammable compound, or other device containing any explosive substance. The term “fireworks” does not include goldstar-producing sparklers on wires which contain no magnesium or chlorate or perchlorate, flitter sparklers in paper tubes that do not exceed 1/8 of an inch in diameter, toy snakes which contain no mercury, or caps used in cap pistols.
2. “Organized group” shall mean any firm, partnership, corporation, association, or other organization of individuals which was not formed solely or primarily for the purpose of obtaining a fireworks permit as provided herein.
3. “Competent Operator” shall mean an individual who has been trained and is a licensed pyrotechnician (i.e., fireworks expert) to conduct the fireworks display.

36.03 SALE OR DISPLAY OF FIREWORKS PROHIBITED. Except as provided herein, it shall be unlawful for any person or association of persons to offer for sale, expose for sale, sell at retail, possess, or use to explode any fireworks within unincorporated areas of Buchanan County.

36.04 PERMIT FOR PUBLIC FIREWORKS DISPLAY. No person or organized group shall display or use to explode any fireworks unless such person or organized group shall have obtained a permit in writing therefore from the Board of Supervisors. All applications for such

permits shall be filed in the office of the Auditor. The Board of Supervisors may upon application grant a permit for the supervised public display of fireworks by a municipality, fair association, amusement park, government entity, or other organized group approved by the Board of Supervisors when the fireworks display will be handled by a competent operator. A competent operator must meet the following fireworks safety requirements:

1. Be certified as a Display Fireworks Operator by the Pyrotechnics Guild International, Inc. Such certification involves formal fireworks safety training, passing a fireworks safety test with an 80% rate of accuracy, and working with a guild member on at least three formal fireworks displays; or
2. Possess a current, valid fireworks license issued by a state of the United States which requires formal safety training similar to that in 1) above; or
3. Demonstrate an equivalent degree of formal fireworks safety training and experience to the satisfaction of the Board.

If such permit is granted, the sale, possession, use, and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted pursuant to this Chapter shall be transferable.

36.05 PERMIT APPLICATION REQUIREMENTS. Applications for permit shall be available in the Auditor's office. All such applications shall be filed not less than fourteen (14) days in advance of the date of the display and shall include:

1. A request for permit and a statement concerning the reason for the proposed display.
2. If filed on behalf of an organized group, the name of the group and the name(s), copy of photo identification; date(s) of birth, and address(es) of the person or persons who will act as its agent(s) or representative(s).
3. Location, date, and time of the proposed display; an alternative rain date may also be indicated.
4. The name of the person or persons who will conduct the proposed display and a copy of the current certificate(s) or license(s) as a pyrotechnician.
5. An agreement indemnifying and holding Buchanan County harmless from any liability which may arise as a result of the proposed display.
6. A statement that the applicant will have in effect a policy of liability insurance which will cover the proposed display.
7. An application fee, to be determined by resolution of the Board of Supervisors. Such fee shall be refundable if the application is denied. Subject to the approval of such application, the fee shall be deposited in the County general fund.

8. A statement whether or not the applicant requires a permit from the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives to conduct the proposed display. If such a permit is required, the applicant shall attach a copy of such permit to the application for permit required by this Chapter.

36.06 INVESTIGATION. No permit shall be issued until the chief of the fire department having jurisdiction over the site of the fireworks display has approved the location and fire prevention measures.

36.07 DETERMINATION CRITERIA. The Board of Supervisors shall consider each of the following criteria in making its determination to grant or deny an application. In the event that an application is denied, the Board shall furnish the applicant with a written statement which shall specify in detail which of the following criteria the denial was based upon, as well as any other factors which were considered as bases for denying the application:

1. The size and location of the proposed display site as each relates to the potential for damage to nearby property or injury to persons.
2. The training, experience, and past reliability of the person or persons named in the application to conduct the proposed display. Specifically, whether a certified and licensed pyrotechnician will conduct the display.
3. The manner in which the applicant conducted any past displays.
4. Whether all of the requirements of an application for permit as set forth in Section 36.05 were complied with by the applicant.
5. The likelihood that the time and date of the display will unreasonably disturb nearby residents.
6. Any special safety considerations which the Board may determine to be unique to the particular proposed display and the applicant's proposed manner of dealing with such special safety considerations.

If an application is denied, the applicant shall be given an opportunity to amend the application and to resubmit it to the Board of Supervisors. The Board shall consider the amended application in light of its reasons for denial of the original application. If it appears that the amendments to the application adequately remedy the situation or situations which gave rise to the denial of the original application, the amended application for permit shall be granted.

36.08 UNUSED FIREWORKS. Any fireworks which remain unexploded or unfired after a permitted display is concluded shall be immediately disposed of in a safe manner considering the particular type of fireworks remaining.

36.09 EXEMPT USAGES. Nothing in this Chapter shall be construed to prohibit or regulate the use of fireworks in the following instances:

1. Flares used by railroads or other transportation agencies for signal purposes or illumination.
2. Sale or use of blank cartridges for a show or theatrical production.
3. Sale or use of blank cartridges for signal or ceremonial purposes at athletic events.
4. Use of blank cartridges by veterans' organizations.
5. Substances or preparations used for medicinal or fumigation purposes.

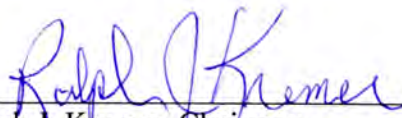
This Chapter further shall not be construed to prohibit any resident, dealer, manufacturer, or jobber from selling fireworks, provided that the same are to be shipped out of the State of Iowa.

36.10 SEIZURE OF PROHIBITED FIREWORKS. The Sheriff shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, or held in violation of this Chapter.

36.11 SUSPENSION OF FIREWORKS PERMIT. The Buchanan County Board of Supervisors or the Buchanan County Sheriff or his or her designee may suspend any permit issued pursuant to this Chapter should it be determined that the health, safety, and/or welfare of the public requires the suspension, or should the applicant/or operator fail to meet or follow the safety qualification as set out in this Chapter. Whenever a burn ban is issued by Buchanan County all permits issued pursuant to this Chapter shall be automatically suspended.


36.13 PENALTY. Violations of this Chapter may be punished as provided in Iowa Code Section 727.2 or as a County infraction.

Passed and adopted this 10th day of June 2013.



Ralph J. Kremer, Chairman
Board of Supervisors
Buchanan County, Iowa

ATTEST:



Cindy Gosse, Auditor