

## RESOLUTION 2009-22

### ESTABLISHING REQUIRMENTS FOR ISSUANCE OF FIREWORKS PERMITS

WHEREAS: The Board of Supervisors, Sioux County, Iowa, is empowered under the authority of Section 727.2, Code of Iowa, to grant a permit for the display of fireworks, by fair associations, amusement parks, and other organizations or groups of individuals approved by such county board of supervisors when such fireworks display will be handled by a competent operator, and

WHEREAS: the Board of Supervisors, Sioux County, Iowa, has received several requests for fireworks display permits, and

WHEREAS: the Board of Supervisors, Sioux County, Iowa, desires to grant permits only when a competent person will be in charge of the fireworks display to provide for the safety of all concerned.

NOW, THEREFORE BE IT RESOLVED by the Sioux County Board of Supervisors that criteria should be and is HEREBY prescribed for the issuance of permits for the display of fireworks in Sioux County, Iowa.

BE IT FURTHER RESOLVED that the following definitions be used:

Applicant: The person or group who is applying for the permit.

Board: The Sioux County Board of Supervisors.

Fireworks: Any explosive composition or combination of explosive substances, or articles 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 fireworks containing any explosive or flammable compound, or other device containing any explosive substance. The term "fireworks" shall not include gold star-producing sparkles on wires which contain no magnesium or chlorate or perchlorate, no flitter sparklers in paper tubes that do not exceed one-eighth (1/8) of an inch in diameter, toy snakes which contain no mercury, or caps used in cap pistols.

Operator: A person trained in fireworks safety who will set up and explode the fireworks.

Sponsor: The group paying for or otherwise providing for the fireworks display.

BE IT FURTHER RESOLVED that the applicant shall submit an application in writing on the form attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that no permit 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.

BE IT FURTHER RESOLVED that no permit be issued unless liability insurance coverage is procured to protect the applicant, sponsor, operator, and the public in an amount to be determined by the Board, but in no event less than \$300,000. Sioux County shall be listed as an additional

insured on the liability policy, as evidenced by a Certificate of Insurance filed with the application for each display.

BE IT FURTHER RESOLVED that the applicant and operator be persons of not less than eighteen (18) years of age on the date of the proposed fireworks display.

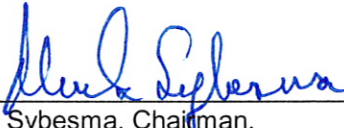
BE IT FURTHER RESOLVED that the operator must meet the following fireworks safety requirement:

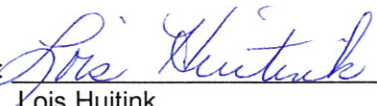
- a) Be certified as a Display Fireworks Operator by the Pyrotechnics Guild International, Inc. Such certification involves formal fireworks safety training, passing a fireworks safety test with an 80% rate of accuracy, and working with a guild member on at least three formal fireworks displays; or
-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

BE IT FURTHER RESOLVED that any fireworks that remain unexploded after the display shall be immediately disposed of or removed for storage or disposal in a safe manner by the operator who, upon the conclusion of the display, shall make a complete and thorough search for any unexploded fireworks or fuses thereof which have not exploded or functioned.

BE IT FURTHER RESOLVED that the Sioux County Sheriff or his or her designee may suspend any permit issued pursuant to this resolution should he or she determine that the health, safety, and/or welfare of the public requires the suspension, or should the applicant and/or operator fail to meet or follow the safety qualifications as set out in this resolution.

PASSED AND APPROVED THIS 7th DAY OF July, 2009

  
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Mark Sybesma, Chairman,  
Sioux County Board of Supervisors

Attest:   
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Lois Huitink  
Sioux County Auditor

