

ORDINANCE NO. 233

AN ORDINANCE OF THE CITY OF CLARK FORK, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE PROHIBITION OF CERTAIN ACTS RELATING TO FIREWORKS, PROVIDING FOR PUBLIC DISPLAY PERMITS, PROVIDING FOR ENFORCEMENT OF THIS ORDINANCE, PROVIDING PENALTIES FOR VIOLATION, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, be it ordained by the Mayor and City Council of the City of Clark Fork, Idaho as follows:

SECTION 1. PROHIBITED ACTS

- A. It is unlawful for any person to possess, sell, give away, or discharge any firecrackers or fireworks of any kind in the City except those nonaerial common fireworks specifically defined by Idaho Code Section 39-2602, or its successor.
- B. It is unlawful for any person to possess, sell, give away, or discharge any firecrackers or fireworks of any kind on any public property except the conduct of a public fireworks display pursuant to provisions of Section 2 of this Ordinance.

SECTION 2. PUBLIC DISPLAY PERMITS

The Mayor and Fire Chief are hereby authorized and empowered to issue written permits for the public display or exhibition of fireworks within the territorial limits of the City. Such permits must specify the time and place for the giving of such public display or exhibition and shall prescribe the conditions governing the conduct of the same.

SECTION 3. PERMITS FOR SALE OF FIREWORKS

The Mayor and Fire Chief are hereby authorized and empowered to issue written permits for the sale of fireworks within the territorial limits of the City. Only nonaerial common fireworks as defined by provisions of Idaho Code Title 39, Chapter 26 may be sold within the City and only for the period of time expressly authorized by state law and only after obtaining the city-issued license or permit authorized hereby. A reasonable fee for issuance of such permit may be established by resolution of the City Council.

SECTION 4. ENFORCEMENT

It shall be within the authority of the members of the law enforcement organization which the City has contracted with and the chief of the fire department of the City of Clark Fork to take such steps as may be necessary for the enforcement of this ordinance. Further, anyone discharging unauthorized fireworks on public property may be immediately removed therefrom by any law enforcement officer or by any city official authorized by the mayor.

SECTION 5. PENALTY

Any person violating the provisions of this ordinance shall be subject to a fine not to exceed three hundred dollars (\$300.00) and costs of prosecution, or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment plus costs of prosecution.

SECTION 6. REPEAL OF CONFLICTING PROVISIONS

All ordinances and parts of ordinances of the City of Clark Fork which conflict with the provisions of this ordinance, including Ordinance No. 109 in its entirety, are hereby repealed.

SECTION 7. EFFECTIVE DATE

This ordinance shall be in full force and effect upon its passage and publication as provided by law.

APPROVED as an ordinance of the City of Clark Fork, Idaho the 9th day of June 2003.



Thomas A. Shields, Mayor of Clark Fork

CITY COUNCIL MEMBERS	YES	NO	ABSENT	ABSTAIN
Dawn Hughes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgia Schenck	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lynn Siple	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marlene Syth	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:


Elizabeth Parenti, City Clerk

physician-patient communication privilege as provided elsewhere in this code, including without limitation, section 9-203(4), Idaho Code, which shall remain inviolate. (1992)

39-2408. Injunction to prevent operation without license.

Notwithstanding the existence or pursuit of any other remedy, the department may in the manner provided by law maintain an action in the name of the state for injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, management or operation of an agency without a license required under this chapter.

The department shall be represented by the county prosecutor of the county in which the violation occurs or by the office of the attorney general. (1992)

39-2409. Bill of rights.

A licensee shall provide each person or designated representative with a written bill of rights which shall be in substantially the same form as the currently effective version of regulations affecting patients' rights utilized for the medicare and medicaid programs. (1992)

39-2410. Use of terms limited.

No person may use any words in its corporate or business name, or advertise using such words to indicate that it is licensed under the provisions of this chapter or provides the type of services provided by an agency licensed under the provisions of this chapter unless it is in fact licensed as a home health agency under this chapter. (1992)

39-2411. Persons, activities or entities not subject to regulation under this chapter.

The following are not subject to regulation for the purposes of this chapter:

- (1) A family member;
- (2) An organization that provides only meal service in a person's residence;
- (3) Entities furnishing durable medical equipment that does not involve the delivery of professional services beyond those necessary to set up and monitor the proper functioning of the equipment and educate the user on its proper use;
- (4) A professional licensed person who independently provides services in the home;
- (5) An employee or volunteer of an agency who provides nonprofessional services only as an employee or volunteer;
- (6) Facilities and institutions including, but not limited to, nursing homes, hospitals, boarding homes, developmental disability residential programs, or other facilities and institutions, only when providing services to persons residing within the facility or institution if the delivery of the services is regulated by the state;
- (7) Nursing homes, hospitals, or other institutions, agencies, organizations, or persons that contract with licensed home health, hospice, or home care agencies for the delivery of services;
- (8) In-home assessments by licensed professionals of an ill, disabled, or infirm person's ability to adapt to the home environment that does not result in regular ongoing care at home by that licensed professional;
- (9) Services conducted by and for the adherents of a church or religious denomination that rely upon spiritual means alone through prayer for healing in accordance with the tenets' beliefs genuinely held by such adherents;
- (10) A medicare approved dialysis center operating a medicare approved home dialysis program;
- (11) Case management services which do not include the direct delivery of home health, hospice, or home care services;
- (12) A medicare certified hospice agency; and
- (13) A state authorized personal assistance agency or personal assistant as defined in chapter 56, title 39, Idaho Code. (2000)

Chapter 26. Fireworks

- 39-2601. Short title.
- 39-2602. Definitions.
- 39-2603. Wholesale and import license required.
- 39-2604. Permit required for retail sales.
- 39-2605. Permit required for public display or other event using fireworks.
- 39-2606. Authorized dates for the sale and use of fireworks.
- 39-2607. Temporary fireworks stands.
- 39-2608. Short-term storage.
- 39-2609. General prohibitions.
- 39-2610. Exceptions.
- 39-2611. Liability of parents or guardians.

- 39-2612. Enforcement.
- 39-2613. Penalties - Injunctions.
- 39-2614. Rules.

39-2601. Short title.

This act shall be known and may be cited as the "Fireworks Act of 1997." (1997)

39-2602. Definitions.

As used in this chapter, these terms shall have the following meanings:

(1) "Authority having jurisdiction" means a city fire department if the area is within a city, or a fire protection district formed pursuant to provisions of the Idaho Code if the area is within a fire protection district, or the county commission if the area is not within a city or fire protection district.

(2) "Department" means the department of insurance, division of the state fire marshal.

(3) "Fireworks" means any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation. Fireworks include items classified as common or special fireworks by the United States bureau of explosives or contained in the regulations of the United States department of transportation and designated as UN 0335 1.3G or UN 0336 1.4G. The term "fireworks" shall not include any automotive safety flares, toy guns, toy cannons, caps or other items designed for use with toy guns or toy cannons, party poppers, pop-its or other devices which contain twenty-five hundredths (.25) of a grain or less of explosive substance.

(4) "Importer" means any person who, for any purpose other than personal use, or a use associated with a specific public display or other event permit, is the first receiver of any fireworks in this state.

(5) "License" means a nontransferable, formal authorization, issued by the department to engage in the acts of importing fireworks into this state or operating a wholesale fireworks business within this state.

(6) "Nonaerial common fireworks" means any fireworks such as ground spinners, fountains, sparklers, smoke devices or snakes designed to remain on or near the ground and not to travel outside a fifteen (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. Nonaerial common fireworks do not include firecrackers, jumping jacks, or similar products.

(7) "Permit" means an authorization given by the authority having jurisdiction pursuant to section 39-2604 or 39-2605, Idaho Code.

(8) "Special fireworks" means any fireworks designed primarily for display and classified as special fireworks by the United States bureau of explosives or designated as UN 0335 1.3G.

(9) "Wholesale" means sale of fireworks to a retailer or wholesaler. (1997)

39-2603. Wholesale and import license required.

(1) A license shall be required for any person to import fireworks into this state or to operate a wholesale fireworks business in this state.

(2) Fireworks shall only be delivered in this state by a person with a valid wholesale or import license under the following circumstances:

(a) (i) To a person with a valid sales tax seller's permit issued pursuant to section 63-3620, Idaho Code; and

(ii) During a period beginning sixty (60) days prior to a date on which the retail sale or use of nonaerial common fireworks is authorized under this chapter; or

(b) To a person with a valid permit issued pursuant to section 39-2605, Idaho Code, within a reasonable time period before the display or event.

(3) Possession of a wholesale or import license does not authorize the holder of the license to sell nonaerial common fireworks at retail, but a wholesaler or importer may also hold a retail permit in compliance with the provisions of this chapter.

(4) Wholesale or import licenses shall be issued for a twelve (12) month period beginning on March 31 each year and shall be nontransferable. The license shall be issued if the application is complete and in compliance with applicable law.

(5) Wholesale or import license applications shall be on a form approved by the department and shall include the name and address of the applicant (or the names of all partners, if a partnership, the name of the corporation and the corporate

officers if company; the primary fireworks seller's permit.

(6) A bodily injury or death of a person, or damage to property, in excess of \$100.

(8) The license revocation under this chapter.

(10) A wholesaler's permit items sold.

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officers if a corporation, or the name of the limited liability company and all of its members, if a limited liability company) the primary location of the business, each location at which fireworks are to be stored and the applicant's Idaho sales tax seller's permit number, if applicable.

(6) A bond or valid certificate of public liability and property-casualty insurance providing coverage of at least one hundred thousand dollars (\$100,000) for personal injury and property damage shall be presented at the time of application.

(7) The department may impose a fee for issuing a license under this section which shall not exceed one hundred dollars (\$100).

(8) The license required under this section may be revoked if the licensee violates any provisions of this chapter. A license revocation proceeding shall comply with the provisions of chapter 52, title 67, Idaho Code.

(9) The license shall be displayed in public view at each location listed on the license.

(10) An importer or wholesaler shall keep a record of all wholesale transactions showing the name, address, sales tax seller's permit number, if applicable, and type and quantity of items sold. (1997)

39-2604. Permit required for retail sales.

(1) The local authority having jurisdiction may require a permit for the retail sale of nonaerial common fireworks.

(2) If a permit is required the applications shall be on a form approved by the authority having jurisdiction and shall include the name and address of the applicant (or the names of all partners, if a partnership, the name of the corporation and the corporate officers if a corporation, or the name of the limited liability company and all of its members, if a limited liability company) the primary location of the business, each location at which fireworks are to be stored and the applicant's Idaho sales tax seller's permit number, if applicable.

(3) A bond or valid certificate of public liability and property-casualty insurance providing coverage of up to one hundred thousand dollars (\$100,000) for personal injury and property damage may be required at the time of application.

(4) The authority having jurisdiction may assess a fee for issuing a permit under this section which shall not exceed twenty-five dollars (\$25.00).

(5) The permit shall be issued if the application is complete and in compliance with applicable law, shall be valid for twelve (12) months from the date of issuance and shall be nontransferable.

(6) The permit required under this section may be revoked if the permittee violates any provisions of this chapter. A permit revocation proceeding shall comply with the provisions of chapter 52, title 67, Idaho Code.

(7) The permit shall be displayed in public view at the location listed on the permit. (1997)

39-2605. Permit required for public display or other event using fireworks.

(1) The authority having jurisdiction may, at its discretion, issue a permit for public display or other events in the following circumstances:

(a) After determining that the public display will be supervised by a qualified person and will not constitute an unreasonable hazard to persons or property. Appropriate national fire protection association or international fire code provisions may be used as guidance for this determination.

(b) After determining that sales and use of fireworks outside the normal sales period provided in section 39-2606, Idaho Code, or proposing the use of fireworks in addition to nonaerial common fireworks will not constitute an unreasonable hazard to persons or property.

(2) An application for a permit for public display or other event shall be on a form approved by, and contain the information reasonably requested by, the authority having jurisdiction.

(3) The permit shall be nontransferable, shall list the specific date or dates upon which the display or event shall occur and the types of fireworks and uses that will be allowed.

(4) A bond or valid certificate of public liability and property-casualty insurance providing coverage of up to one million dollars (\$1,000,000) for personal injury and property damage may be required at the time of application for public display of special fireworks.

(5) The authority having jurisdiction may assess a fee for issuing a permit for public display under this section which shall not exceed one hundred twenty-five dollars (\$125). There shall be no fee for the issuance of a permit for any event other than a public display event.

(6) Alteration of fireworks may be performed by a person in possession of a valid public display permit. (2002)

39-2606. Authorized dates for the sale and use of fireworks.

(1) Nonaerial common fireworks may be sold at retail and used beginning at midnight June 23, and ending at midnight July 5 and beginning at midnight December 26 and ending at midnight January 1. The authority having jurisdiction may at its discretion extend each period of sales by not more than five (5) days.

(2) Fireworks may be sold and used at any time in compliance with permits issued under the provisions of section 39-2605, Idaho Code. (1997)

39-2607. Temporary fireworks stands.

Retail sales of nonaerial common fireworks shall be allowed only from within a temporary fireworks stand unless the authority having jurisdiction finds appropriate circumstances justifying reasonable variance from strict compliance with this section. An existing permanent building which was used for the retail sale of fireworks in 1996 may continue to be used for that purpose if the building meets or exceeds the standards for temporary buildings established by this section and is operated, insofar as it is applicable, as provided by this section. Temporary fireworks stands shall be subject to the following provisions:

(1) A stand shall not be located within twenty-five (25) feet of any building or within one hundred (100) feet of the nearest fuel dispensing device.

(2) A stand shall meet the minimum structural stability requirements for temporary buildings as required by applicable local building codes. If no local building codes have been adopted, applicable state codes may be used.

(3) A stand shall meet the minimum requirements for temporary buildings for all lighting circuits or other electrical equipment used in conjunction with the operation of the stand as required by applicable local building codes or, if no local building codes have been adopted, by applicable state codes.

(4) A stand shall have two (2) exits, each a minimum of thirty (30) inches wide at each end of the stand or as near the ends as is practical in a mobile home conversion. One (1) additional door is required for each thirty-two (32) feet of rear wall in excess of thirty-two (32) feet. All doors shall open outward from the stand and shall be kept unlocked and unlatched during the hours of operation and free and clear of supplies and materials at all times.

(5) A stand shall have at least two (2) fire extinguishers with a 2A minimum rating, in good working order, with a current inspection tag in place, placed near the exits in a visible and readily accessible manner.

(6) "No smoking within 25 feet" signs shall be prominently displayed on all four (4) sides of the stand. Smoking shall not be permitted inside the stand.

(7) A stand shall not be erected before May 5 nor remain up after July 20 for the first sales period; nor shall it be erected before December 7 or remain up after January 16 for the second sales period. The premises on which the stand is erected shall be cleared of all structures and debris no later than July 20 or January 16, respectively.

(8) The fireworks stand operator shall not permit the discharge of fireworks within twenty-five (25) feet of the stand.

(9) The stand operator shall not allow any rubbish to accumulate in or around the stand causing a fire nuisance.

(10) Only noncombustible waste containers shall be permitted within the stand.

(11) Fireworks shall not be left in the stand when it is not open for business unless the stand is locked or secured. If fireworks are not stored in the stand they shall be stored in compliance with section 39-2608, Idaho Code.

(12) Notice as provided by the authority having jurisdiction cautioning each person purchasing fireworks of the prohibitions, liabilities and penalties incorporated in this chapter shall be posted at all retail locations.

(13) The authority having jurisdiction may charge a one (1) time inspection fee of twenty-five dollars (\$25.00) for inspection of a temporary fireworks stand. (1997)

39-2608. Short-term storage.

(1) A short-term storage facility may be used for the storage of nonaerial common fireworks for a period of sixty (60) days prior to, and fifteen (15) days after, any authorized retail sales date. The authority having jurisdiction shall be notified of the address or location of all short-term storage facilities when fireworks will not be stored in a temporary fireworks stand. If the short-term storage facility is not within the boundaries of the jurisdiction

having issued the retail sales permit the permittee shall notify the authority having jurisdiction where the storage is to take place.

(2) Short-term storage is allowed in any of the following, provided it is locked or otherwise secured: a temporary fireworks stand, truck, trailer, or other vehicle. A truck, trailer or other vehicle used for short-term storage must remain at least twenty-five (25) feet from the stand during any time the stand is open for business, but may abut the stand when it is closed. A truck, trailer or vehicle used for short-term storage must be at least twenty-five (25) feet from any other inhabited building. Short-term storage may occur in a locked or secured shed, garage, barn or other building or storage container which is detached from an inhabited building and contains no open flames, including heating and lighting sources. The authority having jurisdiction may, in its discretion, allow short-term storage to occur in an attached garage with a one (1) hour fire wall separating the garage from any inhabited area. (1997)

39-2609. General prohibitions.

It shall be unlawful for any person, except in compliance with this chapter, to:

- (1) Alter any fireworks;
- (2) Throw any fireworks from, into, or at a moving vehicle or at any person;
- (3) Sell or use any fireworks at any time not permitted under this chapter;
- (4) Use fireworks in any area that constitutes a severe fire threat based on the vegetative conditions during the current fire season as determined by the county commission or authority having jurisdiction, provided that notice of such areas is given in advance. (1997)

39-2610. Exceptions.

The provisions of this chapter do not apply to and shall not prohibit:

- (1) The use of flares, noisemakers or signals designed and used for the purpose of protecting the public;
- (2) The use of blank cartridges;
- (3) The use of flares or noisemakers designed and labeled specifically for pest control purposes and approved by the Idaho department of fish and game;
- (4) The continued use of existing facilities for long-term storage of fireworks by wholesalers;
- (5) Manufacturing of fireworks in this state; and
- (6) The importation, storage and sale of fireworks for export from this state, or interstate commerce in fireworks. (1997)

39-2611. Liability of parents or guardians.

The parents, guardians or other persons having custody or control of a minor shall be liable for damage caused by the use of fireworks by the minor. (1997)

39-2612. Enforcement.

This chapter shall be enforced by the department, cities, counties, fire protection districts or other law enforcement agencies of the state. (1997)

39-2613. Penalties - Injunctions.

Any person violating the provisions of this chapter or any rules issued hereunder is guilty of a misdemeanor. Notwithstanding the existence or use of any other penalty or remedy, any person who violates the provisions of this chapter or any of the rules promulgated pursuant to this chapter may, upon application to or with written consent of the authority having jurisdiction, be enjoined in the manner provided by law from continuing the violation. Fireworks being used in violation of this chapter may be confiscated by the authority having jurisdiction. (1997)

39-2614. Rules.

The department may adopt any rules necessary to carry out the provisions of this chapter which are consistent with the provisions of this chapter and which are necessary to carry out its duties under the provisions of this chapter. (1997)

Chapter 28. Mosquito Abatement Districts

- 39-2801. Authorization to form abatement districts.
- 39-2802. Procedures for formation of abatement districts.
- 39-2803. Selection of officials of abatement districts.
- 39-2804. Powers and duties of abatement districts.
- 39-2805. Method of financing abatement districts.
- 39-2806. Annexation to abatement districts.
- 39-2807. Consolidation of abatement districts.
- 39-2808. Existing rights preserved.

39-2809. Short title.

39-2810. Withdrawal.

39-2811. Hearing of petition for withdrawal.

39-2801. Authorization to form abatement districts.

There may be formed, under the provisions of this act, districts for the abatement of mosquitoes and/or other vermin of public health importance, in any area of the state from territory of one or more counties, one or more cities or towns, or any combination or portion thereof. (1959)

39-2802. Procedures for formation of abatement districts.

Upon presentation to the board of county commissioners of a petition requesting the formation of an abatement district, which is signed by qualified resident property owners of the territory of the proposed abatement district, equal to not less than ten percent (10%) of the resident property owners that voted in the last general election, the commissioners shall publish such petition when the following conditions are met: the petition must define the boundaries of the proposed district and assessed tax valuation of the property therein. When the above conditions have been met the county commissioners shall publish the petition, and if after thirty (30) days no protests are received, an election must be held at the next date specified in section 34-106, Idaho Code. The petitioners shall bear the expense of holding the election. If there are written protests, the county commissioners must hold a public hearing within thirty (30) days after receipt of the written protests and after the hearing hold an election. Notice of the time and place of such election shall be published at least once not less than twelve (12) days prior to the election and a second time not less than five (5) days prior to the election in at least one (1) newspaper having general circulation in the proposed abatement district. Only qualified electors who own land within the district, or the proposed district, and are residents of the county in which the district, or a portion thereof, is located, or are spouses of such landowners residing in such county, may vote on the formation of the district. A majority of the votes cast will establish the district. (1995)

39-2803. Selection of officials of abatement districts.

A five (5) member board of trustees shall be appointed from within the area of the proposed abatement district to govern the abatement district. The trustees appointed shall at the first meeting of each year elect a president, secretary and treasurer to serve during the ensuing year. The officers of the board shall be bonded to the extent of five hundred dollars (\$500) to five thousand dollars (\$5,000) each as set by the county commissioners. The members of the board shall be appointed by the county commissioners of the county which they are to represent. When two (2) or more counties or portions thereof comprise an abatement district, the selection of trustees will be made by mutual agreement of the county commissioners concerned. Each trustee shall be a resident property owner and a registered voter. Trustees shall be appointed for four (4) years on staggered appointments. To initiate the board two (2) members are appointed for two (2) years, one (1) for three (3) years and two (2) for four (4) years. Subsequent appointments shall be for four (4) years. Trustees shall serve without compensation but will be reimbursed for necessary expenses involved with the performance of their official duties. The county health officer and the county agent shall be ex officio members of the board. Whenever two (2) or more counties or portions thereof are included in the district, the health officer and county agent for each county shall be ex officio members of the board. The heads of the following state departments or their designated representatives shall be considered ex officio members of the board and may be called upon for their advice and assistance in the handling of abatement problems affecting their direct interests: agriculture, fish and game, lands, transportation, water resources and health and welfare. (1974)

39-2804. Powers and duties of abatement districts.

The abatement district board of trustees is authorized:

- (a) To appoint a director to direct the activities of the district, in accordance with training and experience necessary to fulfill the duties of the position.
- (b) To appoint such other persons as necessary, determine their duties and compensation, and make rules and regulations respecting them.
- (c) To take all necessary and proper steps for the control of mosquitoes and other vermin of public health importance in the district and for these purposes shall have the right to enter upon any and all lands.

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RESOLUTION NO. 1-2003
CITY OF CLARK FORK, IDAHO

A RESOLUTION OF THE CITY OF CLARK FORK, IDAHO, SETTING FORTH THE FEES FOR A PERMIT TO SELL FIREWORKS WITHIN THE CITY LIMITS.

WHEREAS the City Council of the City of Clark Fork has passed Fireworks Ordinance No. 233;

WHEREAS Ordinance No. 233 specifies that fireworks shall not be sold within the city limits without a permit;

WHEREAS Ordinance No. 233 specifies that a reasonable fee will be charged for each permit;

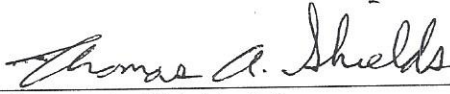
WHEREAS Ordinance No. 233 specifies that all fees will be set by resolution;

AND WHEREAS, at a public hearing on June 3, 2003, it was deemed by the City Council to be in the best interests of the City of Clark Fork and the citizens thereof to charge a fee of \$25.00 for a permit to sell nonaerial common fireworks within the city limits;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Clark Fork, Idaho that the fee for a permit to sell nonaerial common fireworks within the City of Clark Fork shall be \$25.00.

BE IT FURTHER RESOLVED THAT this resolution shall be in full force and effect upon its passage and approval.

PASSED AND APPROVED this 9th day of June, 2003.


Thomas A. Shields, Mayor

CITY COUNCIL MEMBERS	YES	NO	ABSENT	ABSTAIN
Dawn Hughes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgia Schenck	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lynn Siple	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marlene Syth	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST: 
Elizabeth Parenti, City Clerk

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Sherilyn Jones

being first duly sworn on oath

deposes and says that he/she is

Bookkeeper

of the Bonner County Daily Bee, a newspaper printed and

published at Sandpoint, Bonner County, Idaho; that the

said newspaper has been continuously and uninterruptedly

published in said Bonner County during a period of 12

months prior to the first publication of the hereto attached

notice of publication in the case of:

Ordinance #233

as it was published in the regular and entire issue of the

said paper for a period of 1 day consecutive weeks,

commencing on 14 day of June, 2003

and ending on the 14 day of June, 2003

and that said notice was published in said newspaper.

On this 14 day of June in the year

of 2003, before me, a Notary Public, personally

appeared Sherilyn Jones,

known or identified to me to be the person whose name

subscribed to the within instrument, and being by me

first duly sworn, declared that the statements therein are

true, and acknowledged to me that he executed the same.

Notary Public for Idaho

Residing at

My Commission expires:

8/06

ORDINANCE NO. 233
AN ORDINANCE OF THE CITY OF CLARK FORK, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE PROHIBITION OF CERTAIN ACTS RELATING TO FIREWORKS, PROVIDING FOR PUBLIC DISPLAY PERMITS, PROVIDING FOR ENFORCEMENT OF THIS ORDINANCE, PROVIDING PENALTIES FOR VIOLATION, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, be it ordained by the Mayor and City Council of the City of Clark Fork, Idaho as follows:

SECTION 1. PROHIBITED ACTS

A. It is unlawful for any person to possess, sell, give away, or discharge any firecrackers or fireworks of any kind in the City except those nonaerial common fireworks specifically defined by Idaho Code Section 39-2602, or its successor.

B. It is unlawful for any person to possess, sell, give away, or discharge any firecrackers or fireworks of any kind on any public property except the conduct of a public fireworks display pursuant to provisions of Section 2 of this Ordinance.

SECTION 2. PUBLIC DISPLAY PERMITS

The Mayor and Fire Chief are hereby authorized and empowered to issue written permits for the public display or exhibition of fireworks within the territorial limits of the City. Such permits must specify the time and place for the giving of such public display or exhibition and shall prescribe the conditions governing the conduct of the same.

SECTION 3. PERMITS FOR SALE OF FIREWORKS

The Mayor and Fire are hereby authorized and empowered to issue written permits for the sale of fireworks within the territorial limits of the City. Only nonaerial common fireworks as defined by provisions of Idaho Code Title 39, Chapter 26 may be sold within the City and only for the period of time expressly authorized by state law and only after obtaining the city-issued license or permit authorized hereby. A reasonable fee for issuance of such permit may be established by resolution of the City Council.

SECTION 4. ENFORCEMENT

It shall be within the authority of the members of the law

enforcement organization which the City has contracted with and the chief of the fire department of the City of Clark Fork to take such steps as may be necessary for the enforcement of this ordinance. Further, anyone discharging unauthorized fireworks on public property may be immediately removed therefrom by any law enforcement officer or by any city official authorized by the mayor.

SECTION 5. PENALTY

Any person violating the provisions of this ordinance shall be subject to a fine not to exceed three hundred dollars (\$300.00) and costs of prosecution, or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment plus costs of prosecution.

SECTION 6. REPEAL OF CONFLICTING PROVISIONS

All ordinances and parts and parts of ordinances of the City of Clark Fork which conflict with the provisions of this ordinance, including Ordinance No. 109 in its entirety, are hereby repealed.

SECTION 7. EFFECTIVE DATE

This ordinance shall be in full force and effect upon its passage and publication as provided by law.

APPROVED as an ordinance of the City of Clark Fork, Idaho the 9th day of June, 2003.

Thomas A. Shields, Mayor of Clark Fork

ATTEST:

Elizabeth Parenti, City Clerk

Legal SNP 4395

June 14, 2003

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