

**JUNE 12, 1984**

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Pursuant to a call by the Mayor, the City Council of the City of Idaho Falls, met in Special Session in the Mayor's Conference Room, 308 C Street, on June 12, 1984, at 12:00 Noon for the purpose of considering an ordinance covering the sale of fireworks; also, to discuss a request for investigation of day care centers.

There were present at said meeting: Mayor Tom Campbell; Councilmen Arthur R. Chandler, Melvin L. Erickson, Wesley W. Deist, Paul L. Hovey, Sam S. Sakaguchi, and Ralph M. Wood. Also present: Velma Chandler, City Clerk; Dale Storer, City Attorney; Doug Call, Fire Chief; Dick Hahn, Fire Marshall; and, Bob Pollock, Police Chief.

Mayor Campbell stated that he and the Council had recently authorized the City Attorney to review the fireworks ordinance and make recommendations to provide better control for the sale of fireworks within the City. He invited Attorney Storer to present his recommendations at this time. Attorney Storer said that some wholesalers are storing and selling large quantities of fireworks, both safe and sane and those that are illegal, and then the retailers are purchasing and, unknowingly, selling illegal fireworks within the City. He said, also that there is a need for more forcible control of the use of fireworks along the parade route and other areas of the City. He then presented and reviewed the following proposed amendments:

City of Idaho Falls  
June 12, 1984

TO: Mayor Thomas V. Campbell and City Council  
FROM: Dale W. Storer, City Attorney  
SUBJECT: FIREWORKS CODE AMENDMENTS

The following is a summary of the proposed amendments to the current City Ordinance regulating fireworks:

1. Permit for Wholesale Distribution. A new section is added to our Ordinance requiring a permit for wholesale sale of fireworks. Requires applicant to furnish reference information and pay a permit fee of \$75.00.
2. Sale of Dangerous Fireworks Prohibited. The sale of "dangerous fireworks", as defined by our current City Code, is prohibited except to persons holding a valid permit for public display thereof.
3. Written Records. All permittees will be required to maintain written records of wholesale purchases of fireworks, and are further required to disclose the same to Police or Fire Department officers.
4. Seizure of Fireworks. Police officers, and/or Fire Department officers are authorized to seize illegal fireworks and/or all fireworks offered for sale by persons without proper permits.
5. Discharge in Public Area. The Ordinance prohibits discharge of all fireworks along parade routes or other public areas designated by the Police Chief. The Police Chief is required to post public notices of designated area every 50 yards.

s/ Dale Storer



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During the discussion that followed, several items proposed for amendment were clarified such as: posting of the parade route to inform the public that no fireworks of any kind may be discharged within 50 feet from the curb; that violations could be enforced by both the Police and Fire Departments; providing for the keeping of records of all wholesale transactions that occur within the City, excepting those ordered through the mail. The Attorney then presented the following captioned Ordinance for Council consideration:

**ORDINANCE NO. 1762**

AN ORDINANCE REGULATING THE SALE, USE AND POSSESSION OF FIREWORKS WITHIN THE CITY OF IDAHO FALLS, IDAHO; PROHIBITING THE POSSESSION OR SALE OF FIREWORKS AT WHOLESALE WITHOUT A PERMIT; PROHIBITING SALE OF "DANGEROUS FIREWORKS" TO ANY PERSON NOT HOLDING A VALID PERMIT; REQUIRING ALL PERMIT HOLDERS TO MAINTAIN WRITTEN RECORDS; AUTHORIZING SEIZURE OF FIREWORKS POSSESSED BY PERSONS SUSPECTED OF VIOLATING THIS ORDINANCE; PROHIBITING DISCHARGE OR IGNITION OF FIREWORKS ALONG PARADE ROUTES OR OTHER DESIGNATED PUBLIC AREAS; PROVIDING PENALTIES FOR VIOLATION OF THE ORDINANCE; REPEALING ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY OF THE ORDINANCE; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing ordinance was presented in title. It was moved by Councilman Erickson, seconded by Deist, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being, "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration, the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, Councilmen Hovey, Sakaguchi, Wood, Chandler, Erickson, and Deist; No, none; carried.

Mayor Campbell then asked Councilman Erickson to proceed with the discussion of a request for City control of day care operations. Councilman Erickson stated that the Police Committee had, previously, been authorized to review a request for City help in investigating and licensing of local day care centers and their operators. He said that the committee has made a thorough investigation and found that the State of Idaho, through the Health & Welfare Department, have the responsibility of all children under 18 years of age. He said that the State has a licensing program for day care centers that is available but not mandatory. He said that the committee members feel that the State control is sufficient and should prevail. Erickson said that the committee members talked with several local day care operators who advised them that they are considering establishing a private day care association and the committee feels that such an association could control these centers.

He said that the City will be willing to, upon request and for a fee, make criminal investigations for operators and/or workers and also provide fire inspections of the premises

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and CPR classes. He said that the day care operators he spoke with felt this plan to be a good step forward. It was then moved by Councilman Erickson, seconded by Deist, that the City Council authorize the Police Department to make, upon request and payment of a \$15.00 fee, a criminal background investigation, and also, upon request and payment of a fee of \$5.00, the Fire Department make a fire inspection of the premises and give CPR and other instructions as requested. Roll call as follows: Ayes, Councilmen Deist, Hovey, Sakaguchi, Wood, Chandler, and Erickson; No, none; carried.

There being no further business, it was moved by Councilman Erickson, seconded by Deist, that the meeting adjourn at 1:20 P.M., carried.

s/ Velma Chandler  
City Clerk

s/ Thomas Campbell  
Mayor