MIDDLETON RURAL FIRE DISTRICT  
CANYON/GEM COUNTIES, STATE OF IDAHO

RESOLUTION NO. 2018-03  
[passed effective June 11, 2018]

A RESOLUTION OF THE COMMISSIONERS OF MIDDLETON RURAL FIRE DISTRICT, CANYON/GEM COUNTIES, STATE OF IDAHO.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE MIDDLETON RURAL FIRE DISTRICT, CANYON/GEM COUNTIES, STATE OF IDAHO, AS FOLLOWS:

SECTION 1: Findings: The Board of Commissioners makes the following findings:

1.1 The Board of Commissioners has the discretionary powers to manage and conduct the business and affairs of this Fire District; and

1.2 The Fire Works Act of 1997 codified at Chapter 26 of Title 39 provides as follows:

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....

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

   ...

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....

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....
1.3 This Fire District is the authority having jurisdiction to require and issue permits for retail sales of non-aerial common fireworks and public display or other events within its boundaries when allowed within a zone as provided by the Canyon County Zoning Ordinance and as provided by the Gem County Zoning Ordinance and as provided by the City of Middleton Zoning Ordinance and in conformity with the provisions of Chapter 26 of Title 39 Idaho Code; and

1.4 The Board of Commissioners has exercised its authority to require the permitting for retail sale of non-aerial common fireworks and the permitting of fireworks for public display or other events and to provide a permit criteria, form and process; and

1.5 The Fireworks Act of 1997 at Idaho Code Section 39-2604 provides that proceedings for the revocation of permits issued pursuant to this Chapter for violations of the Fireworks Act of 1997 shall comply with the provisions of Chapter 52 of Title 67 Idaho Code [The Idaho Administrative Procedures Act]; and

1.6 The Idaho Administrative Procedures Act provides for emergency proceedings in situations which involve immediate danger to the public health, safety, or welfare requiring immediate agency action; and

1.7 Violations of the Fireworks Act of 1997, by a permit holder of a nonaerial common fireworks permit issued by this Fire District, are likely to involve situations of immediate danger to the public health, safety, or welfare during the short period under which a permit holder is authorized to sell which will require immediate Fire District action; and

1.8 The Deputy Fire Chief/Code Official issues nonaerial common fireworks and is the officer of the Fire District who enforces the Fire District nonaerial common fireworks permitting authority; and

1.9 It is the intention of the Board of Commissioners by the adoption of this resolution to provide authority to the Deputy Fire Chief/Fire Code Official to issue emergency orders and complete proceedings to revoke a nonaerial common fireworks permit.

NOW, THEREFORE, based upon the above and foregoing declarations and further based upon the authority of the Board of the Commissioners of Middleton Rural Fire District, Canyon/Gem Counties, state of Idaho, BE IT RESOLVED AS FOLLOWS:

SECTION 2: Action

2.1 A nonaerial common fireworks retail sales permit issued under this Chapter may be revoked if the permittee violates any provisions of Chapter 26 of Title 39 Idaho Code [Fireworks Act of 1997] in accordance with the following procedure:

2.1.1 In the event a permit holder is in violation of the provisions of Chapter 26 of Title 39 Idaho Code [Fireworks Act of 1997], the Deputy Fire Chief/Fire Code Official
shall determine whether or not the violation creates a situation of an immediate
danger to the public health, safety, or welfare requiring immediate Fire District
Action and in the situation where such a violation occurs proceed as follows:

2.1.1.1 To issue an order to the permit holder to cease and desist the violation
within a reasonable time therein stated [given the situation] and the
Order shall state that a failure to timely comply, verified to the Deputy
Chief/Code Official, results in the immediate revocation of the
permit. This order shall include a brief, reasoned statement which
supports the findings and the specific action required as the basis for the
order and shall be served upon the permit holder. The Order is effective
when issued. The Order shall include a notice of the right of the permit
holder to request a contested hearing before the Board of
Commissioners.

PASSED BY THE BOARD OF COMMISSIONERS of the Middleton Rural Fire
District, Canyon/Gem Counties, state of Idaho, effective this 11TH day of June, 2018.

[Signature]
Jackie Potter, Commissioner Subdistrict No. 1

[Signature]
Tim O'Meara, Commissioner Subdistrict No. 2

[Signature]
Liz Bolts, Chairman/Commissioner Subdistrict No. 3

ATTEST:

[Signature]
Vicki Thurber, Secretary