

**RESOLUTION OF THE BOARD OF COMMISSIONERS  
NORTHSIDE FIRE DISTRICT**

Resolution # 2021-2

**Whereas**, the Board of Commissioners of the Northside Fire District ("Commissioners") at a Special Meeting on June 30 2021, declared a state of severe fire danger to exist in the Northside Fire District ("District") due to potential uncontrollable forest and wildfire potential from low humidity and potential high temperatures during several months of the year; and

**Whereas**, such conditions constitute a severe fire threat based on the vegetative conditions within the District during the current fire season requiring immediate action by the Board; and

**Whereas**, the Board of Commissioners has authority to provide for the safety of the inhabitants and prevent fires within the District pursuant to Idaho Code § 39-2609;

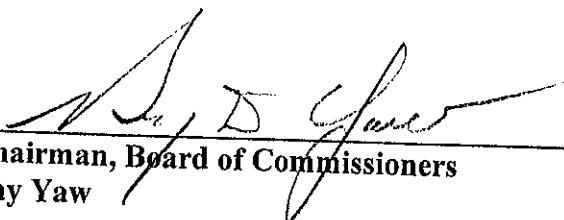
**NOW THEREFORE**, BE IT RESOLVED BY THE BOARD OF FIRE COMMISSIONERS OF NORTHSIDE FIRE DISTRICT AS FOLLOWS:

**SECTION 1: USE OF FIREWORKS PROHIBITED:** It shall be unlawful for any person to use any Fireworks as defined by Idaho Code 39-2602(3) within the Northside Fire District from June 1<sup>st</sup> of each year hereafter, commencing as of the date of this Resolution, until November 1st of each year hereafter, or further resolution of the Board of Fire Commissioners of the District. Violation of this Resolution shall constitute an infraction as provided for in Idaho Code Section 39-2609. Nothing in this Resolution is intended to limit the prosecution of the use of fireworks as a misdemeanor by any authority having jurisdiction under Idaho Code Section 39-2613.

**SECTION 2: EXEMPTIONS:** This prohibition shall not apply to any person or corporation exempt by virtue of any permit issued by Bonner County, the State of Idaho or with written permission from the Fire Chief of the District for a public fireworks exhibition.

**SECTION 3:** This ordinance shall become effective upon posting within the District and the posting of this Resolution shall constitute advance notice as required by Idaho Code section 39-2609(4).

**APPROVED AND ADOPTED AS A RESOLUTION OF NORTHSIDE FIRE DISTRICT, BONNER COUNTY, IDAHO BY THE BOARD OF COMMISSIONERS ON THE 30 DAY OF June, 2021.**

  
\_\_\_\_\_  
Chairman, Board of Commissioners  
Ray Yaw

ROLL CALL VOTE

YEA   NAY   ABSTAIN   ABSENT

YEA   NAY   ABSTAIN   ABSENT

YEA   NAY   ABSTAIN   ABSENT

*Andy D'Amico*  
Commissioner

*Kevin Roof*  
Commissioner

*Nancy B. Peritt (by phone)*  
Commissioner



# Idaho Statutes

TITLE 39  
HEALTH AND SAFETY  
CHAPTER 26  
FIREWORKS

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.

History:

[39-2602, added 1997, ch. 246, sec. 2, p. 710.]

How current is this law?

Search the Idaho Statutes and Constitution



# Idaho Statutes

TITLE 39  
HEALTH AND SAFETY  
CHAPTER 26  
FIREWORKS

39-2613. PENALTIES - INJUNCTIONS. Except as provided in section 39-2609, Idaho Code, 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.

History:

[39-2613, added 1997, ch. 246, sec. 2, p. 715; am. 2015, ch. 222, sec. 2, p. 685.]

How current is this law?

Search the Idaho Statutes and Constitution



# Idaho Statutes

TITLE 39  
HEALTH AND SAFETY  
CHAPTER 26  
FIREWORKS

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.

A violation of subsection (1) or (3) of this section shall constitute an infraction and shall be punishable by a fine of one hundred dollars (\$100).  
History:

[39-2609, added 1997, ch. 246, sec. 2, p. 714; am. 2015, ch. 222, sec. 1, p. 685.]

How current is this law?

Search the Idaho Statutes and Constitution