

RESOLUTION #05-15

**ESTABLISHING REQUIRMENTS FOR ISSUANCE OF FIREWORKS PERMIT**

**WHEREAS:** The Board of Supervisors, Benton 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, Benton County, Iowa, has received several requests for fireworks display permits, and

**WHEREAS:** the Board of Supervisors, Benton 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 Benton County Board of Supervisors, that criteria should be and is HEREBY prescribed for the issuance of permits for the display of fireworks in Benton 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 Benton 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 be determined by the Board, but in no event less than \$300,000. Benton 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 Benton 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.

Dated this 24<sup>th</sup> day of June, 2005.

RESOLUTION #11-49  
AMENDING RESOLUTION #05-15  
ESTABLISHING REQUIREMENTS FOR ISSUANCE OF FIREWORKS PERMIT

WHEREAS, the Benton County Board of Supervisors adopted Resolution #05-15, Establishing Requirements for Issuance of Fireworks Permit, on June 24, 2005; and

WHEREAS, the Board of Supervisors desires to amend said resolution to restrict the hours of displays to prohibit displays between the hours of 12:00 a.m. and 7:00 a.m.,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors to amend Resolution #05-15, Establishing Requirements for Issuance of Fireworks Permit to add the following:

All permits issued under this resolution are not valid between the hours of 12:00 a.m. and 7:00 a.m.

All other parts of the original resolution adopted on June 24, 2005, remain in full force and effect.

Dated this 2<sup>nd</sup> day of August 2011.

\_\_\_\_\_  
Ronald R. Buch, Chairman

\_\_\_\_\_  
David Vermedahl

ATTEST:

\_\_\_\_\_  
Jill Marlow, Benton County Auditor

RESOLUTION #17-40  
AMENDING RESOLUTION #05-15  
ESTABLISHING REQUIREMENTS FOR ISSUANCE OF FIREWORKS PERMIT

**WHEREAS**, the Benton County Board of Supervisors adopted Resolution #05-15, Establishing Requirements for Issuance of Fireworks Permit, on June 24, 2005; and

**WHEREAS**, the Board of Supervisors desires to amend said resolution to increase the liability insurance coverage amount from \$300,000 to \$1,000,000,

**WHEREAS**, the Board of Supervisors would like to add that automatic suspension of permit for the use of fireworks when a fire ban is in effect and;

**NOW THEREFORE BE IT RESOLVED** by the Benton County Board of Supervisors to amend Resolution #05-15, Establishing Requirements for Issuance of Fireworks Permit to add the following:

To increase the liability insurance coverage amount from not less than \$300,000 to not less than \$1,000,000.  
An automatic suspension of permit for use of fireworks when a fire ban is in effect.

All other parts of the original resolution adopted on June 24, 2005, and amendments made after remain in full force and effect.

Adopted this 13th day of June, 2017.

\_\_\_\_\_  
Todd A. Wiley, Chairman

\_\_\_\_\_  
Rick Primmer

\_\_\_\_\_  
Gary Bierschenk

ATTEST:

\_\_\_\_\_  
Hayley Rippel, Benton County Auditor

**APPLICATION FOR FIREWORKS PERMITS**

To: Benton County Board of Supervisors, 111 East 4<sup>th</sup> St., Vinton, Iowa 52349

Applicant: \_\_\_\_\_ Phone \_\_\_\_\_

Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Sponsor: \_\_\_\_\_ Phone \_\_\_\_\_

Address: \_\_\_\_\_

Date of Display \_\_\_\_\_

Date of Aerial Salutes (limited) \_\_\_\_\_

*Aerial salutes are allowed for a one (1) hour maximum between hours of 11:00 a.m. and 5:00 p.m. (daylight) and for a three (3) hours maximum (evening) not to go past 11:00 p.m.*

**No fireworks can be used outside of listed specified time limits. Fireworks used or exploded outside of that time is in violation of Iowa Law. Ending times may be adjusted by the Supervisors when approving the permit. Permits are not valid between the hours of 12:00 a.m. and 7:00 a.m. **\*\*Displays are prohibited during this time.****

- 1. \_\_\_\_\_ Fireworks Operator License from another state (attach current copy)
- 2. \_\_\_\_\_ Pyrotechnics Guild International, Inc. certification (attach current copy)
- 3. \_\_\_\_\_ Other formal fireworks safety training. Please specify and attach copies of any

documents that support your statements:

\_\_\_\_\_  
\_\_\_\_\_

Certificate of Insurance attached naming Benton County as additional insured: \_\_\_\_\_

Fire Prevention Measures: \_\_\_\_\_

\_\_\_\_\_

I approve of the location and fire prevention measures for this Fireworks display:

Fire Chief: \_\_\_\_\_ Date \_\_\_\_\_

I hereby affirm that I have read the Benton County Fireworks Permit Resolution #05-15 and amendments and; that I understand the Resolution's terms; that no person shall handle or explode Fireworks while under the influence of alcohol, narcotics, or drugs which could adversely affect judgment, movements, or stability; that no persons will set up or explode Fireworks who is not 18 and qualified as set out above or who is not under the direct supervision of the Operator; that the Operator will conduct a thorough search for any unexploded Fireworks or fuses; that any unexploded Fireworks will be stored or disposed of in a safe manner; and that the Sponsor, Operator, and I will follow its terms and the laws of the State of Iowa.

Further, I specifically agree to protect, defend, and hold Benton County, its officers and employees, and the Fire Chief who signs this application harmless from any and all damages or claims for damages that might arise or accrue by reason of the granting of the permit for which I am applying.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

The Benton County Board of Supervisors approves this Application on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By \_\_\_\_\_  
Chairman, Benton County Board of Supervisors

cc: Benton County Sheriff's Department