

BILL NO. 2015-01

TOWN OF PAHRUMP ORDINANCE NO. 67

SUMMARY: An Ordinance amending Town of Pahrump Code by adding chapter 17 to define the process for designated fireworks safety sites within the Town of Pahrump; and other matters related thereto.

TITLE: AN ORDINANCE AMENDING TOWN OF PAHRUMP CODE BY ADDING CHAPTER 17 TO DEFINE THE PROCESS AND REQUIREMENTS FOR DESIGNATED FIREWORKS SAFETY SITES WITHIN THE TOWN OF PAHRUMP, THE REQUIREMENTS FOR THE MANAGEMENT OF SUCH SAFETY SITES, THE REQUIREMENTS FOR SAFETY SITE AGREEMENTS, THE DESIGNATION OF ANY FEES AND THEIR USE, AND OTHER MATTERS RELATED THERETO.

WHEREAS, Nye County has developed and promulgated laws allowing the designation and management of fireworks safety sites within the unincorporated towns in Nye County; and

WHEREAS, Nye County Code requires that unincorporated towns submit ordinances for that purpose for consideration by the Board of County Commissioners; and

WHEREAS, the Town of Pahrump desires to designate fireworks safety site(s) within the Town;

NOW, THEREFORE, the Board of Commissioners of the County of Nye, State of Nevada, sitting as the governing authority of the Town of Pahrump hereby adopts, promulgates and orders compliance therewith the following:

TOWN OF PAHRUMP CODE IS HEREBY AMENDED BY ADDING CHAPTER 17 THERETO AS FOLLOWS:

17-1 Purpose

This Ordinance amends Town of Pahrump Code to define the process for designating fireworks safety sites within the Town of Pahrump, the requirements for the management of such safety sites, the requirements for safety site agreements, the designation of any fees and their use, and other matters related thereto.

17-2 Definitions.

Board: The Board of County Commissioners of Nye County, Nevada.

Consumer Fireworks: Explosive devices designed primarily to produce visual or audible affects by combustion, deflagration, or detonation. This term includes devices containing no more than 50 mg of explosive composition, which were formerly classified as Class "C"

Explosives and are now known as 1.4G Explosives pursuant to the United States Consumer Products Safety Commission and the United States Department of Transportation.

Display Fireworks: Explosive devices designed primarily to produce visible or audible effects by combustion, deflagration, or detonation. This term includes devices containing more than two grains (130 mg) of explosive composition intended for public display. These devices were formerly classified as Class "B" Explosives and are now known as 1.3G Explosives by regulation of the United States Consumer Products Safety Commission, and the United States Department of Transportation.

Permit: Written permission from the Board to sell and/or use fireworks in accordance with the provisions of this Chapter.

1. **Consumer and Display Fireworks Permit:** Written permission to sell, trade, furnish or give away consumer and display fireworks.

Site Manager: The organization of individual who shall be responsible for managing the Safety Site.

Retail Sale: The non-wholesale sale of fireworks to any person not permitted to sell fireworks or the sale of fireworks for any purpose other than for resale.

Safety Site: Location or locations designated by an unincorporated town for the purpose of discharge or detonation of Consumer Fireworks.

Wholesale Sale: The sale of consumer or display fireworks for resale to consumers or the sale of consumer or display fireworks to business entities or non-profit organizations activities or that utilize the fireworks as part of its promotions.

17-3 Requirements for Safety Sites.

- A. **Location.** The Safety Site must be located at least 150 feet away from any structure, park or roadway. All brush shall be cleared from the site and for 20 feet surrounding the site. The site shall be fenced or otherwise contained so as to provide controlled access and trash.
- B. **Aerial.** Aerial devices must not be launched within 250 feet of any roadway and 200 feet of any fireworks bulk. The trajectory of aerial shells must not come within 25 feet of any overhead object such as power lines.
- C. **Fire Protection.** The Site Manager shall ensure that adequate fire protection is provided. Notice must be provided to Pahrump Valley Fire Rescue Service a minimum of 10 days before scheduled group shoots or as soon as possible when scheduled shoots are cancelled. The Chief of the Pahrump Valley Fire Rescue Service or his designee may shut down a Safety Site at any time the he feels that the Site does not provide adequate fire protection. The Site may not re-open until the Fire Department Chief signs off on the fire protection measures.

- D. Litter Control. The Site Manager shall ensure that the design of the site prevents the blowing of litter onto surrounding property. Sufficient litter dumpsters shall be acquired to contain the litter from the shooting and the spectators.
- E. Parking. The location of parking sufficient to meet the needs of the Site shall be specified.
- F. Days and Hours of Operation. Hours of operation of Safety Sites within the Town of Pahrump shall be set forth in the relevant management agreement.
- G. Product Use. Safety Sites shall use only Consumer fireworks. Display fireworks shall be prohibited.
- H. Liability Insurance. Any person, organization, corporation, or entity other than the Town of Pahrump or its representative, designated to manage a Safety Site shall submit proof of product or liability insurance. The insurance shall provide policy coverage for a minimum of \$1,000,000.00, and shall remain in full force and effect any time the Safety Site is in use.
- I. Fees. Fees shall be collected by the Town of Pahrump.

17-4 Management Agreements

- A. Location Description. Management Agreements shall describe the designated Safety Site. The description shall include the physical location and a drawing of the Site showing access control, the relationship to nearby roads or buildings, parking and water access.
- B. Fire Protection. The fire protection measures being taken must be specified.
- C. Litter Control. Litter control measures must be defined.
- D. Parking. Provisions for parking for Safety Site users must be specified.
- E. Hours and Days of Operation. Hours and days of operation must be specified.
- F. Product Use. The Management Agreement must specify that only Consumer Fireworks shall be used at the safety site and shall specify how the discharged fireworks are to be controlled.
- G. Liability Insurance. Proof of liability insurance shall be provided.
- H. Supervision. The Management Agreement shall identify the party responsible for supervising the safe use of Consumer Fireworks.
- I. Fees. The Management Agreement shall specify the fees to be collected and the method of accounting for fees collected.

