

CHAPTER 9
EXPLOSIVES AND FIREWORKS
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SEC. 9.100 EXPLOSIVES

9.101 DEFINITIONS

- 9.101.1 “Explosive” shall mean and include any chemical compound or mechanical mixture that is commonly used for or intended to produce an explosion, that contains any oxidizing combustible units, or other ingredients, in such proportions, quantities, or packing, that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.
- 9.101.2 “Magazine” shall mean any building used for the storage of explosives.
- 9.101.3 “Highway” shall mean any public street or public road.
- 9.101.4 “Railway” shall mean and include any steam, electric, diesel or other railroad or railway which carries passengers or freight for hire.
- 9.101.5 “Public conveyance” shall mean and include any railroad car, streetcar, cab, bus, airplane or other vehicle which carries passengers for hire.
- 9.101.6 “Small arms ammunition” shall mean any shotgun, rifle, pistol or revolver cartridges.

9.102 GENERAL REQUIREMENTS

- 9.102.1 No person shall manufacture any explosives, in-arms ammunition, within the corporate limits of the City except as provided in Section 9.106.
- 9.102.2 No person shall possess, keep, store, sell, offer for sale, give away, use, discharge, transport or dispose of in any manner any explosives within the City, but by the authority of a written permit therefor as specified in Section 9.104, except permits shall required by this Code for small arms ammunition.
- 9.102.3 No person shall discharge any explosives, except construction devices such as explosive rivets and explosive-driven pins or studs, for blasting or demolition operations.
- 9.102.4 No person shall sell or give away any explosive, except small arms ammunition and construction devices such as explosive rivets and explosive driven pins or studs, to any person not in possession of a permit to either possess, transport or use explosives as required by this article.
- 9.102.5 No person shall sell, or expose for sale any explosive upon any highway, street, sidewalk, public way, or public place within the City.

9.103 BOND REQUIRED FOR BLASTING

Before a permit to do blasting as required under Section 9.104 shall be issued, the applicant for such permit shall file a bond deemed adequate in each case by the City Manager, which bonds shall provide for the payment of any damage caused by explosives used by the applicant or its agents or employees.

9.104 PERMITS REQUIRED

Separate and distinct permits shall be required concerning explosives as follows, subject to the conditions specified in this article.

- 9.104.1 To possess, store, keep, sell or otherwise dispose of, but not use, any explosives except small arms ammunition.
- 9.104.2 To transport explosives, except small arms ammunition, on public highways within the municipality by motor truck or other vehicle. Possession of permit or license from the Federal or State Government to transport explosives on the public highways shall be considered as meeting the requirements of this section.
- 9.104.3 Permits required by Section 9.104.1 of this article shall not be issued for any building or structure that is occupied as a dwelling, school, theater, other place of assembly, or where the building or structure is lighted by any means other than electricity, or where any manufacturing processes are conducted, or where smoking material is sold.
- 9.104.4 Permits required by Section 9.104.1 of this article shall not be issued for the possession of:
 - (a) Liquid nitroglycerin
 - (b) Dynamite (except gelatin dynamite) containing over sixty percent (60%) of liquid explosive ingredient under any conditions liable to exist during storage.

- (c) Nitrocellulose in a dry and uncompressed condition in quantity greater than ten (10) pounds net weight in one package.
- (d) Fulminate of mercury in bulk in a dry condition and fulminate of all other metals in any condition except as a component of manufactured articles not hereinafter forbidden.
- (e) Explosive compositions that ignite spontaneously or undergo marked decomposition rendering the products of their use more hazardous, when subjected for forty-eight (48) consecutive hours or less to a temperature of 167 de. F.
- (f) New explosives until approved by the Interstate Commerce Commission.
- (g) Explosives condemned by the Interstate Commerce Commission.
- (h) Explosives not packed or marked in accordance with the requirements of the Interstate Commerce Commission.
- (i) Explosives containing an ammonium salt and a chlorate.

9.104.5 Permits as required by Section 9.104.1 shall not be issued for a quantity of explosives in excess of fifty (50) pounds, exclusive of blasting caps, unless a greater quantity is authorized by the City Manager as provided in Section 9.104.6.

9.104.6 Permits as required by Section 9.104.1 may be issued by the City Manager in excess of that specified in Section 9.104.5 when blasting operations require greater amounts, but such permits shall not be issued for quantities in excess of the amount actually needed for one day's operation and any unused explosives shall be returned to a Class A magazine.

9.105 USE OF EXPLOSIVES

9.105.1 Blasting operations shall not be conducted between the hours of seven (7) o'clock p.m. and seven (7) o'clock a.m. nor at any time on Sundays except by special permission of the Fire Marshal.

9.105.2 At least twenty-four (24) hours in advance of blasting, the blaster shall give written notice specifying the location and intended time of blasting to appropriate representatives of the gas, electric, water, fire alarm, telephone, telegraph, and other utilities which operate within the municipality. In an emergency the Fire Marshal may waive the time limit and allow verbal instead of written notice to be given.

9.105.3 When blasting is done in congested areas or in close proximity to a structure, railway, or highway, the blast shall be covered before firing, with a mat constructed so that it is capable of preventing fragments from being thrown.

9.105.4 Electric blasting caps only shall be used as the detonating agent for blasting operations in congested districts, or on highways, or adjacent to highways open to traffic.

9.106.5 Containers of explosives shall not be opened inside a magazine or within fifty (50) feet of a magazine. In opening containers, wooden wedges and either wood, fiber or rubber mallets shall be used. No metal tools except brass shall be used for opening any container of explosives.

9.105.6 No person shall handle explosives while under the influence of intoxicating liquors, or narcotics.

9.105.7 No person shall smoke while handling explosives or in the vicinity of explosives.

9.106 EXCEPTIONS

9.106.1 Nothing in this article shall be construed as applying to the regular military or naval forces of the United States, the duly authorized militia of this State, or to the Police and Fire Departments in the proper performance of their duty.

9.106.2 Nothing in this article shall be construed as applying to the laboratories of schools, colleges and similar institutions when confined to the purpose of instruction or research, or explosives in the forms prescribed by the official United States Pharmacopoeia.

9.106.3 Nothing in this article shall be construed as prohibiting the hand loading of small arms ammunition for private personal use and not for resale. For this purpose, not more than ten (10) pounds of smokeless powder and one thousand (1,000) small arms primers packed in approved I.C.C. containers shall be permitted to be kept on hand.

9.106.4 Nothing in this chapter shall be construed to prevent the possession and use of firearms for the protection of life and/or property provided such possession and use is otherwise lawful.

SEC. 9.200 FIRE WORKS

9.201 DEFINITIONS

9.201.1 "Any person" shall mean and include any individual, firm, corporation or association of persons or their servants, agents or employees.

9.201.2 The term "fire cracker" and the term "fire works" each shall mean and include roman candles, sparklers and fire crackers as those terms are usually understood; also, each shall mean and include any contrivance, combination or preparation of all inflammable, combustible or explosive material or materials or substance or substances which are used or are capable of being used to make or create any type or form of explosion, light, fire, blaze, glow, or illumination, either on the ground or in the air, which are not included in the definition of explosive contained in section 9.101.1.

9.202 SALE UNLAWFUL

It shall be unlawful for any person to sell, barter or exchange fireworks of any description within the City limits.

9.203 DISCHARGE UNLAWFUL

It shall be unlawful for any person to discharge, explode, ignite or display any type of fireworks within the City limits.

SEC. 9.300 OFFENSE

Any person, firm, or corporation violating any provision of this Chapter shall be guilty of a misdemeanor. (Amended 2000-01; 01/19/2000)