

CHAPTER 4. FIREWORKS

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3-4-1. Short title.

This act shall be known and may be cited as the "Tooele Fireworks Act." (Ord. 1988-24, 08-03-1988)

3-4-2. Definitions.

The definitions in Utah Code §53-7-202, as amended, apply to this act. (Ord. 2010-13, 10-06-2010) (Ord. 1988-24, 08-03-1988)

3-4-3. Sale or use of unauthorized fireworks unlawful.

Except as provided hereafter, it is unlawful for any person or entity to sell, offer for retail sale, or discharge within the limits of Tooele City any fireworks other than Class C common state approved explosives. Any person or entity who is found in violation of this section is guilty of a class B misdemeanor (Ord. 2011-12, 06-15-2011) (Ord. 2010-13, 10-06-2010) (Ord. 1997-05, 02-04-1997) (Ord. 1988-24, 08-03-1988)

3-4-4. Enforcement - Seizure of fireworks sold unlawfully - Revocation of license.

(1) Every Tooele City officer charged with the enforcement of state and municipal laws including all fire enforcement officials and the division of public safety is charged with responsibility to enforce this act.

(2) Fireworks sold or offered for sale in violation

of this chapter may be seized and destroyed and the license of the person selling or offering fireworks for sale may be revoked, without refund of license fee or bond. (Ord. 1988-24, 08-03-1988)

3-4-5. Time for sale of fireworks.

Class C common state approved explosives may be sold each year beginning on June 24 and ending on July 25; beginning on December 29 and ending on December 31; and two days before and on the Chinese New Year's eve.

(Ord. 2018-09, 07-18-2018) (Ord. 2012-14, 05-16-2012) (Ord. 2011-12, 06-15-2011) (Ord. 2010-13, 10-06-2010) (Ord. 88-24, 08-03-1988)

3-4-6. Time for use of fireworks.

(1) Dates. Fireworks authorized by this act may be discharged each year beginning on July 2 and ending on July 5; beginning on July 22 and ending on July 25; on January 1 and December 31; and on the Chinese New Year's eve.

(2) Times. Fireworks authorized by this act shall not be discharged before 11 a.m. or after 11 p.m. on any given day, except that fireworks may be displayed

(A) on December 31 after 11 p.m. through 1:00 a.m. on January 1,

(B) from 11 a.m. on the Chinese New Year's eve through 1:00 a.m. on the following day,

(C) on July 4, from 11 a.m. to midnight, and

(D) on July 24, from 11 a.m. to midnight.

(3) Violation. A person discharging or displaying fireworks in violation of this section is guilty of an infraction.

(Ord. 2018-09, 07-18-2018) (Ord. 2012-14, 05-16-2012) (Ord. 2011-15, 08-17-2011) (Ord. 2011-12, 06-15-2011) (Ord. 2010-13, 10-06-2010) (Ord. 88-24, 08-03-1988)

3-4-6.1. 2002 Winter Olympics. Repealed.

(Ord. 2010-13, 10-06-2010) (Ord. 2002-04, 01-23-2002)

3-4-7. Business license required.

No person shall offer for sale or sell at retail any fireworks authorized by this act without first having obtained a Tooele City Business License pursuant to section 3-4-8.

(Ord. 2010-13, 10-06-2010) (Ord. 1988-24, 08-03-1988)

3-4-8. Business license application.

All applications for a license to sell, store or handle fireworks authorized by this act shall:

(1) be made in writing accompanied by a fee of \$350 per stand, per year, which fee shall apply to business operations maintained for the sale of fireworks, and which fee shall be paid in addition to any and all

other required business license fees;

(2) set forth the proposed location of the fireworks stand;

(3) include for delivery to the Department insurance certificates evidencing public liability coverage in favor of the applicant or the licensee in the amount of \$1,000,000 per injury, \$3,000,000 per incident, and which designate Tooele City as an additional insured, and which include a minimum of \$1,000,000 product liability coverage;

(4) include a statement that the applicant agrees to comply strictly with the terms of the license and to furnish any additional information upon request.

(Ord. 2020-48, 12-02-2020) (Ord. 2010-13, 10-06-2010) (Ord. 1990-04, 04-12-1990)

3-4-9. License approval or denial.

After a review by the Business License Specialist and Building Inspector, applicants for a license shall be notified of approval or denial of a license applicant no later than ten days after the application is originally made.

(Ord. 2020-48, 12-02-2020) (Ord. 1988-24, 08-03-1988)

3-4-10. Display of business license and sales tax license.

The license to sell fireworks and the sales tax permit shall be displayed in a prominent place in the fireworks stand.

(Ord. 1988-24, 08-03-1988)

3-4-11. General requirements.

(1) All fireworks retail sales locations shall be under the direct supervision of a responsible person who is 18 years of age or older. A salesperson shall remain at the sales location at all times unless suitable locking devices are provided to prevent the unauthorized access to the merchandise by others, or unless the merchandise is removed.

(2) Fireworks shall not be sold to any person under the age of 16 years unless accompanied by an adult.

(3) Buildings and temporary stands or trailers for the retail sales of fireworks shall be constructed in compliance with local rules, or if none, in accordance with nationally recognized good practice.

(4) All retail sales locations shall be kept clear of dry grass or other combustible material for a distance of at least 25 feet in all directions.

(5) Storage of fireworks for sale shall not be located in residential areas.

(6) Smoking shall not be permitted within 25 feet of any fireworks either on display for retail sale or being stored. "Smoking prohibited within 25 feet" (or similar wording) signs shall be conspicuously posted at all sales and storage locations. Sign lettering shall be not less than 2" high with a minimum 3/8" stroke on a

contrasting background.

(7) A sign, clearly visible to the general public, shall be posted at all fireworks sales locations, indicating the legal dates for discharge of fireworks. Sign lettering shall be not less than 1" high with a minimum 3/16" stroke on a contrasting background.

(8) All retail sales locations shall be equipped with an approved, portable fire extinguisher having a minimum 2A rating.

(Ord. 1988-24, 08-03-1988)

3-4-12. Indoor sales.

Fireworks shall be permitted inside permanent buildings subject to the following regulations:

(1) Up to 250 pounds of fireworks (gross weight), display of fireworks is unrestricted.

(2) From 251 to 500 pounds of fireworks (gross weight), display of fireworks must be within constant visual supervision.

(3) Above 500 pounds of fireworks (gross weight), display of fireworks must be constantly attended by a sales person.

(4) The area where fireworks are displayed or stored shall be at least 50 feet from any flammable liquid or gas, or other highly combustible material. Fireworks shall not be stored (including stock for sale) near exit doorways, stairways or in locations that would impede egress.

(5) Fireworks shall be stored, handled, displayed and sold only as packaged units.

(Ord. 1988-24, 08-03-1988)

3-4-13. Temporary stands and trailers.

Retail sales of fireworks shall be permitted from temporary stands and trailers, and shall be subject to the following regulations:

(1) Each stand less than 24 feet in length must have at least two exits. Each stand in excess of 24 feet in length must have three exits. Exits shall swing out and be located at opposite ends of the stand. Door locking devices, if any, shall be easily released from the inside without special knowledge, key, or effort.

(2) Each stand or trailer shall have a minimum three feet wide unobstructed aisle, running the length of the stand or trailer, inside and behind the counter.

(3) The passthrough openings for sales of fireworks in stands or trailers shall be arranged to permit the customer to view the merchandise for sale but prevent the touching or handling of non-pre-packaged fireworks by the customer.

(4) Temporary stands or trailers for the sale of fireworks shall be located in properly zoned areas, at least 50 feet from other fireworks stands or trailers, liquid propane gas, flammable liquid or gas storage and dispensing units.

(5) If the stand or trailer is used for the overnight storage of fireworks, it shall be equipped with suitable locking devices to prevent unauthorized entry.

(6) Stands or trailers shall not be illuminated or heated by any device requiring an open flame or exposed heating elements. All heaters and lighting devices shall be approved by the Building Inspector.

(7) The general public shall not be allowed to enter a temporary stand or trailer.

(8) A sign prohibiting the discharge of fireworks within 100 feet of the stand or trailer shall be prominently displayed.

(9) No vehicles shall be permitted to park closer than 25 feet of the stand.

(10) All stands must be erected upon private property.

(11) Fireworks stands shall be removed no later than 15 days after the holiday designated in section 3-4-6. No stand shall be erected more than 15 days prior to holidays designated in section 3-4-6.

(12) Prior to the issuance of a license, each applicant shall file with the Department a cash deposit, certificate of deposit, or surety bond made payable to the City in the amount of \$250.00 to assure compliance with the provisions of this section, including, but not limited to, the removal of the stand and the cleaning of the site. In the event the permittee does not comply or remove the stand and clean the site, the City may do so, or cause the same to be done by other persons, and the reasonable cost shall be a charge against the permittee and his deposit or surety bond.

(13) No person(s) shall sleep in a fireworks stand.

(14) A receipt of sale shall be provided with each sale of fireworks.

(Ord. 2020-48, 12-02-2020) (Ord. 1988-24, 08-03-1988)

3-4-14. Repealed. (Ord. 97-05, 02-05-97)

(Ord. 1988-24, 08-03-1988)

3-4-15. Display Fireworks.

No person shall discharge any display fireworks without first obtaining a display operator license from the State Fire Marshal Division pursuant to Utah Code §53-7-223 and securing a permit from the Fire Chief pursuant to Section 3-4-16. Any person or entity found in violation of this Section is guilty of a class B misdemeanor.

(Ord. 2010-13, 10-06-2010)

3-4-16. Permits for display fireworks or pyrotechnic displays inside public buildings.

(1) Any display operator desiring a permit to discharge display fireworks or persons or entities desiring to discharge pyrotechnic displays in public buildings must submit an application to the fire department no later than thirty (30) days prior to the planned event. A separate permit is required for each public display. The fee for a single permit shall be set forth in the City fee schedule.

(2) Application for each permit shall be in writing

on an application form supplied by the fire department which at a minimum shall:

(a) Include the name, address, and telephone number of the display operator or person or entity desiring to discharge a pyrotechnic display in a public building;

(b) Include the name, address, and telephone number of each sponsor of the event;

(c) Describe the precise location of the discharge, display, fallout, and spectator locations;

(d) Include evidence of commercial general liability insurance in an amount not less than One Million Dollars (\$1,000,000.00) per occurrence and Two Million Dollars (\$2,000,000.00), aggregate insuring the display operator, with the sponsors and the City as additional entities insured;

(e) Describe a plan for monitoring weather conditions, crowds, and contingency plans for medical emergencies and changing conditions;

(f) Include any other information reasonably required by the City.

(3) The fire department shall give a copy of the permit application to the chief of police and to the Mayor's office no later than two working days after receiving the application.

(4) The fire department shall review the information in the application, the display operator's permit, and all applicable fire and safety standards. The fire department shall also confer with the police department to ensure that there shall be sufficient public safety personnel available to ensure the health and welfare of all persons attending the event.

(5) The fire department shall approve or disapprove the application no later than fifteen (15) days after receiving the application. The fire department may approve the application as submitted or approve the application subject to reasonable conditions relating to the safety of the event. If the fire department disapproves the application, it shall do so in writing, stating the grounds for disapproval, including reference to the specific fire or safety standards or public safety considerations applicable to the event.

(6) Governmental subdivisions and governmental entities are exempt from the permit fee requirements of this section. However, an application must be timely submitted and a permit obtained prior to the planned discharge of display fireworks by governmental subdivisions.

(Ord. 2010-13, 10-06-2010)

3-4-17. Appeal.

Any person or entity aggrieved by a decision of the fire department regarding the approval or denial of a permit under Section 3-3-16 may appeal such decision in writing to the Mayor within five (5) days of the fire department's denial. The appeal shall specifically state the basis upon which the appellant believes that the fire department is in error. The Mayor shall render a

decision on the appeal within five (5) days. The Mayor's decision shall be final.
(Ord. 2010-13, 10-06-2010)

3-4-18. Limitation.

This act does not apply to class A, class B, and class C explosives that are not for use in Utah, but are manufactured, stored, warehoused, or in transit for destinations outside of Utah.
(Ord. 2010-13, 10-06-2010)