

## Chapter 10

### **SALE AND EMISSION OF FIREWORKS**

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3-10-1: **REGULATION OF FIREWORKS:** Permitted fireworks will refer to the current State approved class C common State approved explosives list.

A. Authority and Purpose

1. This section is adopted pursuant to the provisions of Section 11-3-8, UCA 1953, as amended.
2. The sale, offer to sell, exposure for sale, use, discharge, distribution, or possession of fireworks or pyrotechnics in Providence City, except as hereinafter provided, is hereby declared to be against the public health, safety, and welfare of the people of the City.

B. Definitions:

1. Approved means acceptable to the authority having jurisdiction.
2. Indoor sales means sales conducted inside permanent structures.
3. Permitted fireworks means those fireworks which are permitted to be sold for consumer use by the State of Utah and discharged pursuant to the terms of this section and shall specifically include only model rockets, toy pistol caps, emergency flares, snakes (glow worms), party poppers, wire sparklers under 36 inches in length, matches, ground or hand held sparkling devices, ground audible devices, combination fireworks devices, and trick noisemakers as defined in this section.
4. Temporary stand, trailer and tent mean a non-permanent structure used exclusively for the sale of fireworks.

3-10-2: **LICENSE TO SELL REQUIRED:** No person shall offer for sale or sell at retail any fireworks without having first applied for and received a license from the City and a permit from the Logan City Fire Department to do so for each location at which fireworks are sold.

3-10-3: **LICENSE TO SELL—APPLICATION:**

- A Except as provided herein, no person shall offer for sale or sell at retail or otherwise unless specifically exempted here from any fireworks other than permitted fireworks without having first applied for and received a license from the City.
- B All applications for a license to sell fireworks shall:
- 1 Be made in writing accompanied by a fee of \$200.00 for each outside sales stand and \$100 for inside sales. Said fee shall be non-refundable and shall apply to business operations maintained primarily for the sale of permitted fireworks.
  - 2 Set forth the proposed location of the fireworks stand and the designated zone of said location.
  - 3 Include certificates of insurance evidencing public liability coverage in favor of the applicant in the amount of \$1,000,000 - \$3,000,000 and designating the City as an additional insured. Said insurance certificate shall include a minimum of \$1,000,000 products liability coverage.
  - 4 Include a statement that the applicant agrees to comply strictly with the terms of any license granted and to furnish any additional information upon request.
  - 5 Include a copy of the Utah Sales Tax License or Permit.
- C. The license for fireworks shall be displayed together with the sales tax permit in a prominent place readily visible to the public at the sales location. The license shall be made available at the sale site for presentation upon request to any duly authorized public safety official. The City may revoke or suspend the license or confiscate merchandise in the event of the violation of any of the terms of this section or of the minimum rules and regulations for fire and life safety adopted and promulgated by the Utah State Fire Prevention board.
- D. Prior to the issuance of a license, each applicant shall file with the City an approved surety bond made payable to Providence City in the amount of \$150.00 to assure compliance with the provisions of this section, including, but not limited to, the removal of any sale stand and the cleaning of the site. In the event that licensee does not comply or remove the stand or clean the site, the City may do so, or cause the same to be done by other persons, and the reasonable costs thereof shall be charged against the licensee and his deposit or surety bond.

- E. Upon receipt of complete application, the business license administrator shall create a business license for said business and forward the same to the Logan City Fire Department, which shall inspect the proposed premises and other compliance items and forthwith approve or deny its permit for the locations involved, if approved, notify the Fire Marshal, which shall issue the license.

3-10-4: **GENERAL REQUIREMENTS**

- A. There shall be no retail sales of permitted fireworks except within a commercial zone.
- B. Class C common state approved explosives shall not be sold to any person under the age of 16 years, unless accompanied by an adult.
- C. All retail sales locations shall be equipped with an approved portable fire extinguisher having a rating of at least 2A, and such other fire extinguishers or equipment as may be required by the Fire Marshal. Such extinguishers must be located at 8 foot intervals for the total length of the stand and readily accessible and in good working order.
- D. All sales locations must be approved by the Fire Marshall and shall be subject to inspection by authorized public safety officials at any time.
- E. No person shall be permitted to sleep or cook within 50 feet of any fireworks sales or storage location.

3-10-5: **TEMPORARY STANDS, TRAILERS AND TENTS.** Temporary stands shall be subject to the following regulations:

- A. Stands, trailers or tents shall not be illuminated or heated by any device requiring an open flame or exposed heating elements. All heaters shall be approved by the authority having jurisdiction (AHJ).

3-10-6: **RESTRICTIONS ON DISCHARGE.** It is unlawful for any person to:

- A. Ignite, explode, project or otherwise fire or use, or permit the ignition, explosion or projection of any fireworks upon or over onto the street or public property or the property of another;
- B. Ignite, explode or otherwise make use of any fireworks within one hundred feet of any fireworks stand;
- C. Ignite, explode, project or otherwise fire or make use of any fireworks within twenty feet of any residence, dwelling or other structure;

- D. No person shall ignite or discharge any fireworks within or throw the same from a motor vehicle within, nor shall any person place or throw any ignited article of fireworks into or at such a motor vehicle, or at or near any person or group of people;
- E. The discharge of any type of homemade fireworks is prohibited;
- F. The Fire Marshal is hereby authorized to prohibit the sale or discharge of any fireworks should he determine that an unreasonable fire hazard or personal safety hazard is created by the use and discharge of such fireworks in the circumstances.

3-10-7: **PENALTY:** The sale or use of unauthorized fireworks is a Class B Misdemeanor. Any person who violates this chapter is guilty of a class B misdemeanor.