

ORDINANCE NO. 8701

An Ordinance adopting the "Utah Fireworks Act" as the Wendover City Ordinance for regulating fireworks.

11-3-1. Short title.

This act shall be known and may be cited as the "Utah Fireworks Act."

11-3-2. Definitions.

As used in this chapter:

(1) "Firework" means any composition or device manufactured or used for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation but does not include model rockets, toy pistol caps, emergency signal flares, snakes or glow worms, party poppers, wire sparklers under 36 inches in length, matches, or class A and B explosives.

(2) "Ground or hand-held sparkling" device means:

(a) Any cylindrical tube (cylindrical fountain) not exceeding 3/4" in inside diameter and containing not more than 75 grams of pyrotechnic composition which produces a shower of color and sparks upon ignition and may whistle or pop;

(b) Any cardboard or heavy paper cone (cone fountain) containing up to 50 grams of pyrotechnic composition which produces a shower of color and sparks upon ignition and may whistle or pop;

(c) Any cylindrical tube (illuminating torch) containing up to 100 grams of pyrotechnic composition which produces colored fire upon ignition;

(d) Any pyrotechnic device (wheel) capable of being attached to a post or tree containing up to six "driver" units or tubes not exceeding 1/2" in inside diameter that each contain not more than 60 grams of pyrotechnic composition per driver unit which revolves upon ignition producing a shower of color and sparks and sometimes a whistling effect;

(e) Any device similar in design and effect to a "wheel" capable of being placed on the ground (ground spinner) and ignited; and

(f) Any narrow paper fuseless tube (flutter sparkler) filled with pyrotechnic composition that produces color and sparks when the popper at one end of the tube is ignited.

(3) "Ground audible device" means any paper or cardboard tube containing not more than 50 milligrams of pyrotechnic material that travels along the ground (chaser) upon ignition and often produces a whistling and/or popping effect.

(4) "Combination fireworks device" means any device containing combinations of two or more of the effects described in subsections (2) or (3).

(5) "Trick noisemaker" means:

(a) Any tube or sphere containing pyrotechnic composition that upon ignition produces white or colored smoke (smoke device) as its primary effect; and

(b) Any device that produces a small report intended to surprise the user, including:

(i) A "booby trap" which is a small tube with a string protruding from both ends that ignites the friction sensitive composition in the tube when the string is pulled;

(ii) A "snapper" which is a small paper-wrapped device containing a minute quantity of explosive composition coated on bits of sand which explodes producing a small report;

(iii) A "trick match" which is a kitchen or book match coated with a small quantity of explosive or pyrotechnic composition that produces a small shower of sparks when ignited;

(iv) A "cigarette load" which is a small wooden peg coated with a small quantity of explosive composition that produces a small report when the cigarette is ignited; and

(v) An "auto burglar alarm" which is a tube which contains pyrotechnic composition that produces a loud whistle and smoke when ignited. A small quantity of explosive, not exceeding 50 milligrams, may also be used to produce a small report. A squib is used to ignite the device.

11-3-3. Sale or use of unauthorized fireworks unlawful.

It is unlawful for any person to sell, offer for retail sale, or discharge in Utah any fireworks other than those defined in Subsections 11-3-2 (2) to (5).

11-3-4. Enforcement- Seizure of fireworks sold unlawfully - Revocation of license.

(1) Every county and municipal 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.

11-3-5. Safety rules.

The state fire prevention board, pursuant to the Utah Rule-making Act (section 63-46-1 et seq.) may adopt rules establishing minimum safety standards, reasonable under the circumstances, for the retail storage, retail handling, and retail sale of common fireworks.

11-3-6. Times for sale of fireworks.

Fireworks may be sold on or between June 20 and July 25; on or between December 20 and January 2; and 15 days before and on the Chinese New Year.

11-3-7. Time for use of fireworks.

Fireworks may be discharged three days prior to, on the day of, and three days following July 4, July 24, January 1, and the Chinese New Year.

11-3-8. Conflicting local ordinances prohibited.

A county, city, or town may not adopt an ordinance or regulation in conflict with this chapter.

11-3-9. Local Licensing of sellers.

The business license for this activity shall be \$25.00. Furthermore, a fee of \$350.00 per stand regardless of whether said stand is inside or outside of a building.

11-3-10. Exemptions.

(1) This chapter does not apply to the product inventories of fireworks manufacturers, importers, distributors, or wholesalers designated for shipment directly out of the state.

(2) Nothing in this chapter supersedes the provisions of Section 23-13-7.

(3) Nothing in this chapter prohibits cities, or counties for the unincorporated areas within the county, from conducting, permitting, or regulating the discharge of class B fireworks, and pyrotechnics displays held inside public buildings.

Utah Code Annotated, 1953, as amended.

FURTHERMORE, the Wendover City Council hereby adopts by reference into this Ordinance all regulations promulgated by the Utah State Fire Prevention Board, unless specifically excepting certain regulations therefrom.

R707-2-3 GENERAL REQUIREMENTS

3.4 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

the merchandise is removed.

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

3.6 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.

3.7 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.

3.8 Storage of fireworks for sale shall not be located in residential areas.

3.9 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.

3.10 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.

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

#### R707-2-4 INDOOR SALES

##### 4.1 Display of fireworks inside buildings:

4.1.1 Up to 250 pounds of fireworks (gross weight), display of fireworks is unstricted.

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

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

4.2 In all retail sales locations in permanent structures, 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.

4.3 Fireworks shall be stored, handled, displayed, and sold only as packaged units inside buildings.

#### R707-2-5 TEMPORARY STANDS AND TRAILERS

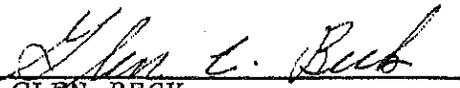
5.1 Each stand or trailer shall have a minimum of two, approved exit doors, which swing out at opposite ends of the stand. Door locking devices, if any, shall be easily released from the inside without special knowledge, key, or effort.

#### 11-2-4 SAFETY RULES

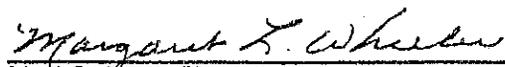
The state fire prevention board, pursuant to the Utah Rule-making Act (§63-46-1 et seq.), may adopt rules establishing minimum safety standards, reasonable under the circumstances, for the retail storage, retail handling, and retail sale of common fireworks.

A violation of this ordinance shall constitute a class "B" misdemeanor.

PASSED by the City Council of the City of Wendover, Utah, this 2 day of June, 1987.

  
GLEN BECK  
MAYOR

Attested to by:

  
MARGARET WHEELER  
Recorder/Clerk