

## 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. 88-24, 08-03-88)

### 3-4-2. 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 in the ground (ground spinner) and ignited; and

(f) Any narrow paper fuseless tube (flitter 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 of 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. (Ord. 88-24, 08-03-24)

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

It is unlawful for any person to sell, offer for retail sale, or discharge within the limits of Tooele City any fireworks other than those defined in Subsections 3-4-2 (2) to (5). Any person who is found in violation of this section is guilty of a class B misdemeanor. (Ord. 97-05, 02-04-97); (Ord. 88-24, 08-03-88)

### 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. 88-24, 08-03-88)

### **3-4-5. Time 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. (Ord. 88-24, 08-03-88)

### **3-4-6. 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. (Ord. 88-24, 08-03-88)

#### **3-4-6.1. 2002 Winter Olympics.**

Notwithstanding the provisions of Section 3-4-6, Tooele City Corporation, or its agent or designee, may discharge fireworks on February 6, 2002, as part of the 2002 Winter Olympics torch run festivities. (Ord. 2002-04, 01-23-02)

### **3-4-7. Business license required.**

Except as provided herein, no person shall offer for sale or sell at retail any fireworks without first having applied for and received a Tooele City Business License. (Ord. 88-24, 08-03-88)

### **3-4-8. Business license application.**

All applications for a license to sell, store or handle fireworks 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 City Recorder 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. 90-04, 04-12-90)

### **3-4-9. License approval or denial.**

After a review by the City Recorder 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. 88-24, 08-03-88)

### **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. 88-24, 08-03-88)

### **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. 88-24, 08-03-88)

### **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. 88-24, 08-03-88)

**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 City Recorder 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. 88-24, 08-03-88)

**3-4-14. Repealed. (Ord. 97-05, 02-05-97); (Ord. 88-24, 08-03-88)**