

ORDINANCE 2012-13

AN ORDINANCE ENACTING CHAPTER 24, FIREWORKS SALES, OF TITLE 6, PUBLIC SAFETY, OF THE TOOELE COUNTY CODE, ESTABLISHING REGULATIONS FOR THE SALE OF CLASS C COMMON STATE APPROVED EXPLOSIVES

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE BODY OF TOOELE COUNTY, UTAH AS FOLLOWS:

SECTION I - PURPOSE. Tooele County finds it necessary to regulate the sale of Class C common state approved explosives to protect the health, safety, and welfare of all persons in Tooele County, including residents and visitors alike. The regulations are designed for the purpose of notifying the County, including the appropriate authority having jurisdiction (AHJ), of the sale of Class C common state approved explosives and allowing the County to respond to the same.

SECTION II - CHAPTER ENACTED. Chapter 24, Fireworks Sales, of Title 6, Public Safety, of the Tooele County Code is hereby enacted to read as attached hereto, which attachment is, by this reference, made a part hereof.

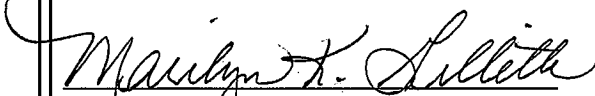
SECTION III - REPEALER. Ordinances and resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION IV - EFFECTIVE DATE. This ordinance shall become effective 15 days after its passage provided it has been published, or at such publication date if more than 15 days after passage.

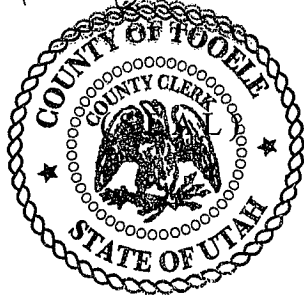
IN WITNESS WHEREOF the Tooele County Commission, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 1st day of May 2012.

Ord. 2012-13

ATTEST:



MARILYN K. GILLETTE, Clerk




TOOELE COUNTY COMMISSION:



COLLEEN S. JOHNSON, Chairman

Commissioner Johnson voted aye
Commissioner Clegg voted aye
Commissioner Hurst voted aye

APPROVED AS TO FORM:



DOUG HOGAN
Tooele County Attorney

**CHAPTER 24
FIREWORKS SALES**

Section

- 6-24-1. Purpose.**
- 6-24-2. Definitions.**
- 6-24-3. Sales license required.**
- 6-24-4. Temporary stand requirements.**
- 6-24-5. Exemptions.**
- 6-24-6. License application.**
- 6-24-7. Fees.**
- 6-24-8. Fireworks ban.**
- 6-24-9. Appeals.**

6-24-1. Purpose.

It is the purpose of this chapter to regulate the sale of Class C common state approved explosives within the unincorporated areas of Tooele County pursuant to the Utah Fireworks Act. This chapter is designed for the purpose of notifying the County, including the appropriate authority having jurisdiction (AHJ), of the sale of Class C common state approved explosives and allowing the County to respond to the same in order that the health, safety, and welfare of all persons in Tooele County, including residents and visitors alike, may be protected.

6-24-2. Definitions.

As used in this Chapter:

- (1) "Fireworks" are those designated as "Class C common state approved explosives" defined in Section 53-7-202, Utah Code, as amended. Additionally, "Fireworks" includes all sparklers of any length or size.
- (2) "Temporary structure" means a temporary and moveable structure erected for the primary purpose of selling fireworks.

6-24-3. Sales license required.

No person, firm, company or other entity may engage in the sale of any fireworks within the unincorporated areas of the County without first obtaining a current and valid license from the County. The same shall obtain a separate permit from the authority having jurisdiction (AHJ), if required. All sales of fireworks in Tooele County shall comply with the International Fire Code, R710-2 of the State Fire Marshals Rules and Regulations, local service district requirements, and all appropriate State regulations.

6-24-4. Temporary structure requirements.

- (1) All fireworks structures shall be located on commercially zoned property.
- (2) No fireworks structures shall be erected on any sales site more than fifteen days prior to each of the dates that sales are permitted under state law.
- (3) Structures shall be removed within fifteen days after retail sales shall cease and the licensee shall clean the site upon which the temporary structure was formerly located.
- (4) Every structure shall be located on a hard-surfaced area.
- (5) No structure shall be located in such a way as to eliminate the minimum off-street parking required by the applicable zoning ordinance.
- (6) Each structure shall provide for unrestricted access and egress of the site.
- (7) Commercial advertising for the fireworks shall comply with Tooele County's sign ordinance.
- (8) Each sales area shall be maintained in a neat and orderly fashion and provide for its own trash containment. All wastepaper, spilled powder, and broken fireworks are to be removed from the stand and properly disposed of.
- (9) All electrical installations associated with any fireworks structure must conform with the applicable electrical code and be accompanied by an electrical permit obtained from the County Building Division.

6-24-5. Exemptions.

Indoor sales of fireworks within a permanent structure on commercially zoned property already approved for the retail sale of goods shall be exempt from obtaining a sales license as outlined in this chapter. Indoor sales of fireworks may require a separate permit from the authority having jurisdiction (AHJ).

6-24-6. License application.

All applications for a license to sell fireworks shall:

- (1) Be in writing and submitted to the Department of Engineering.
- (2) Provide a site plan detailing the proposed area and location where the fireworks will be sold and stored. Site plan shall show parking for the site and any proposed signage.
- (3) Include written consent for the sale of fireworks and the construction of the fireworks stand from the owner of the property upon which fireworks are to be sold.
- (4) Provide insurance certificates evidencing public liability and property damage coverage in favor of the applicant with both having a minimum amount of two hundred thousand dollars (\$200,000.00) designating the County as an additional insured.
- (5) Be accompanied by the fee.
- (6) Be made at least ten (10) working days in advance of the intended set-up date.

6-24-7. Fees.

The fee for a license to sell fireworks shall be \$40.00, which fee is in addition to the business license fee.

6-24-8. Fireworks ban.

The ignition of fireworks may be prohibited by the authority having jurisdiction (AHJ) in any specified areas of the unincorporated territory of the County at any time of the year due to hazardous fire conditions.

6-24-9. Appeals.

- (1) Any person aggrieved by a decision of the zoning administrator regarding the issuance, denial, or revocation of a license to sale fireworks may appeal such decision to the Appeal Authority whose decision shall be final. All appeals to the Appeal Authority must be in writing and filed with the County Commission within 30 days of the date of the decision appealed from.
- (2) The decision of the Appeal Authority may be appealed to the District Court provided such appeal is filed within 30 days of the Appeal Authority's decision. The appeal shall be filed with the Engineering Department and with the Clerk of the District Court.