

ORDINANCE 8-2020
HUNTINGTON CITY

AN ORDINANCE TO REPEAL AND REPLACE TITLE 5 CHAPTER 5 FIREWORKS

WHEREAS, the public interest will best be served by having a clear and concise understanding of the Fireworks procedures of Huntington City, and

WHEREAS, adoption will enhance the knowledge of the public to whom the employees hold a stewardship.

NOW THEREFORE, be it ordained by the City Council of Huntington City, State of Utah, that the Huntington City will repeal and replace Title 5 Chapter 5 Fire works as follows:

- 5-5-1: DEFINITIONS:
- 5-5-2: SALE AND USE LIMITATIONS:
- 5-5-3: SALES, GENERAL REQUIREMENTS:
- 5-5-4: INDOOR SALES:
- 5-5-5: TEMPORARY FIREWORKS STANDS:
- 5-5-6: DISCHARGE OF FIREWORKS:
- 5-5-7: PENALTY:

5-5-1: DEFINITIONS:

The following terms shall have, for the purpose of this chapter, the following definitions:

INDOOR SALES: Sales conducted inside permanent structures.

PERMANENT STRUCTURE: A non-movable building, securely attached to a foundation, housing a business licensed to sell merchandise generally, in addition to the sale of fireworks.

PERSON: An individual, company, partnership, corporation or other business entity.

TEMPORARY STAND: A nonpermanent, structure used for the sale of fireworks.

5-5-2: SALE AND USE LIMITATIONS:

A. Sale: "Fireworks", as defined by, and authorized pursuant to, the Utah fireworks act, Utah Code Annotated 11-3-1 et seq., may be sold within the city according to Utah State Law.

B. Discharge: Fireworks may be discharged according to Utah State Law.

5-5-3: SALES, GENERAL REQUIREMENTS: The following shall be general requirements which must be followed by all persons selling fireworks within the city:

A. Weeds, Combustible Materials: All weeds and combustible materials shall be cleared from any sales location, including a distance of at least twenty- five feet (25') surrounding the sales location.

B. A sign indicating the legal dates for the discharge of fireworks shall be posted at all firework sales locations in such a position as to be clearly visible to the general public.

C. Self-Service: All fireworks shall be effectively kept away from any kind of self-service by the public unless the fireworks are prepackaged and kept in the original packages.

5-5-4: INDOOR SALES: The following requirements shall be specifically applied to any indoor sales locations: Fireworks shall be stored, handled, displayed and sold only as units in their original packaging.

5-5-5: TEMPORARY FIREWORKS STANDS: Retail sales of fireworks shall be permitted from within a temporary firework stand. Sales from such temporary stands shall be subject to the following regulations:

- A. Except as provided in this chapter, no person shall offer for sale or sell at retail any fireworks without first having applied for and received a license to do so for each location at which the said fireworks are sold or offered for sale.
- B. A Huntington City Business license and applicable fees are required.
- C. Sales Tax Permit: Include evidence of a current sales tax permit issued by the state.
- D. Location: All firework stands shall be located in the commercial zone or industrial zone, no closer than twenty-five feet (25') from any other fireworks stand or any unit used for the storage or dispensing of any flammable substance.
 - 1. Each stand up to twenty-four feet (24') in length must have at least two (2) exits.
 - 2. Each stand in excess of twenty-four feet (24') in length must have at least three (3) exits.
 - 3. All exits shall be spaced at approximately equal distances apart.
 - 4. Exit locking devices, if any, shall be easily released from the inside without special knowledge, key or effort.
- E. Removal of Stands: Fireworks stands shall be removed within seven (7) days after retail sales shall cease and after August 1, and January 8, and Chinese New Year the licensee shall clean the site upon which the temporary stand was formerly located.
- F. Surety Bond: Prior to the issuance of a license for a temporary stand, each applicant shall file with the city recorder an irrevocable letter of credit or a surety bond made payable to city in the amount of one hundred fifty dollars (\$150.00) for each temporary stand to be operated by the applicant. Such deposit, letter or bond shall assure compliance with the provisions of this chapter. If the licensee does not remove the stand or clean the site as required, the city may do so or cause the same to be done and the reasonable cost thereof shall be charged against the licensee and the deposit, letter of credit or surety bond.

5-5-6: DISCHARGE OF FIREWORKS: It shall be unlawful for any person to ignite, explode or otherwise make use of any fireworks within twenty feet (20') of any residence, dwelling, or other structure.)

5-5-7: PENALTY: Any person violating the provisions of this chapter shall be deemed guilty of a class B misdemeanor and, upon conviction thereof, subject to penalty as provided in section 1-4-1 of this code.

PASSED and posted by unanimous vote of the Huntington City Council at the regularly scheduled meeting of the Council on the 16th day of December 2020.

HUNTINGTON CITY

Mayor, Leonard Norton

(SEAL)

COUNCIL MEMBERS

David Emery	AYE_____NAY_____
Tom Kay	AYE_____NAY_____
Jerry Livingston	AYE_____NAY_____
Lesa Miller	AYE_____NAY_____
Gloria Wilson	AYE_____NAY_____

ATTEST:

Jenene Hansen, City Recorder