

CLEARFIELD CITY ORDINANCE 2022-23

AN ORDINANCE AMENDING TITLE 11 OF THE CLEARFIELD CITY CODE

PREAMBLE: This Ordinance amends Title 11, Chapter 13, Section 26 – Land Use, Supplementary Regulations, Fireworks Stand, Temporary or Seasonal Merchant.

BE IT ORDAINED BY THE CLEARFIELD CITY COUNCIL:

Section 1. Enactment:

Title 11, Chapter 13, Section 26 – Land Use, Supplementary Regulations, Fireworks Stand, Temporary or Seasonal Merchant is hereby amended to read as follows:

11-13-26: FIREWORKS STAND, TEMPORARY OR SEASONAL MERCHANT:

Fireworks stands, and temporary or seasonal merchants shall be subject to the following regulations:

A. Location Specified; Location Restrictions:

1. Each license shall specify the location where the business is approved to operate. No operation shall occur at locations other than the approved site.
2. Licenses issued under this section shall be limited to the following street corridors:
 - a. (SR) 126 (North Main Street & State Street), 1700 South (Antelope Drive), State Route (SR) 193 (700 South), 200 South, and 300 North (excluding properties east of SR 126), if located outside of Freeport Center or Freeport West. All fireworks stands, temporary or seasonal merchants, shall not occupy more than twenty percent (20%) of the parking stalls on the lot where the business has been approved.
 - b. No location restrictions are imposed by the city if locating inside Freeport Center or Freeport West.
 - c. Licenses may only be issued on non-residential properties (such as businesses, schools, churches, etc.) along the identified corridors within the city.

B. Maintenance: The area around a fireworks stand, temporary or seasonal merchant shall be kept clean and orderly. A trash receptacle shall be provided for patrons. The licensee shall promptly clean up all trash, litter, spills, etc., within a minimum twenty-foot (20') radius of the business.

C. Appearance: All fireworks stands, temporary or seasonal merchants structures and display areas shall have a professional appearance, and may not appear tattered, torn, frayed, faded, have chipped or peeling paint or otherwise be in disrepair. All equipment associated with the use shall be maintained in a new or near new condition. All retail items shall be displayed in a neat and orderly fashion. All displays, merchandise, and debris associated with the use shall be contained within the confines of the use and be cleaned at the end of each business day. A business license will not be issued or may be revoked if structures, display areas and/or equipment are not properly kept and maintained.

D. Impervious Surface: Each fireworks stand, temporary or seasonal merchant shall be located on an impervious, all-weather surface with no portion of the business located in a landscaped or unimproved area.

E. Setbacks: Each fireworks stand, temporary or seasonal merchant shall be located a minimum of ten feet (10') behind the inside edge of a public sidewalk, or fifteen feet (15') from the edge of the street right-of-way if no sidewalk exists; five feet (5') from combustible walls, roof eave lines, awnings, etc.; ten feet (10') from any building openings (i.e., doors, windows, vents, etc.); and five feet (5') from a fire hydrant, driveway, handicapped parking space or loading area.

F. Traffic Safety: No fireworks stand, temporary or seasonal merchant shall impede auto and/or pedestrian traffic or create auto/pedestrian conflicts. Private sidewalk clear widths shall not be reduced below five feet (5'), and no fireworks stand, temporary or seasonal merchant shall interfere with the internal parking lot circulation.

G. Parking: The site shall have adequate parking to accommodate the primary use(s) on site as well as any area used by the fireworks stand, temporary or seasonal merchant. No part of the fireworks stand, temporary or seasonal merchant shall occupy required parking stalls for the primary use(s) of the site. A minimum of two (2) on-site parking stalls are required for each fireworks stand, temporary or seasonal merchant.

H. Business Conduct: A fireworks stand, temporary or seasonal merchant shall not solicit or conduct business with persons in motor vehicles or use any flashing lights, noise, sound or other motion producing devices to attract attention to its operation. A fireworks stand, temporary or seasonal merchant located in or adjacent to a residential zone, shall not operate prior to eight o'clock (8:00) AM or after ten o'clock (10:00) PM.

I. Fireworks Stand Limitation: To promote public safety, a fireworks stand located within a one-thousand-foot (1,000') radius (as measured from property line to property line) of the Clearfield City 4th of July event at Fisher Park shall not operate after two o'clock (2:00) PM.

J. Minimum Separation Required: No temporary or seasonal merchant shall be located within two hundred feet (200') of the primary public entrance of an existing retail store which sells similar products as its primary business.

K. Signs: Each fireworks stand, temporary or seasonal merchant shall be limited to one on premises sign, which shall not exceed eight (8) square feet in size. Signs shall not be internally

illuminated or make use of flashing or intermittent lighting or animation devices. Pennants, streamers, lawn banners and other temporary signs shall be prohibited.

L. Fire Extinguisher Required: A portable fire extinguisher, Type 2A-10 BC minimum, must be mounted within easy reach of each fireworks stand, temporary or seasonal merchant.

M. City Sponsored Event Or Activity: This section shall not apply to fireworks stands, temporary or seasonal merchants participating in a City sponsored event or activity.

Section 2. Repealer: Any provision or ordinances that are in conflict with this ordinance are hereby repealed.

Section 3. Effective Date: This Ordinance shall become effective immediately upon its posting in three public places within Clearfield City.

DATED this 13th day of September, 2022, at the regularly scheduled meeting of the Clearfield City Council.

CLEARFIELD CITY CORPORATION

Mark R. Shepherd, Mayor

ATTEST

Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE: Councilmembers Bush, Peterson, Phipps, Roper, Thompson

NAY: None