

ORDINANCE #18-13

AN ORDINANCE AMENDING TITLE 8, CHAPTERS 5 AND 6, OF THE
REVISED ORDINANCES OF SANDY CITY REGARDING THE
DISCHARGE OF FIREWORKS WITHIN, INTO, OR OVER SPECIFIED
AREAS OF SANDY CITY AND ALSO PROVIDING A SAVING CLAUSE
AND AN EFFECTIVE DATE FOR THE ORDINANCE

WHEREAS, the 2018 Utah Legislature adopted House Bill 38, which authorizes municipalities to prohibit the discharge of fireworks in specific areas where existing or historic hazardous environmental conditions exist; and

WHEREAS, Sandy City's fire code official has determined that such existing hazardous environmental conditions exist within certain areas of the City meeting the statutory description; and

WHEREAS, on May 1, 2018, the City Council heard evidence from such official concerning hazardous environmental conditions within areas of the City and approved a map depicting areas of the City where the discharge of fireworks would be prohibited; and

WHEREAS, the City Council has determined the discharge of fireworks presents a significant risk of igniting fires, which necessitates control over the discharge of fireworks within, into, and over such areas; and

WHEREAS, the City Council has previously defined areas presenting particular ignition hazards; and

WHEREAS, the City Council wishes to update and define areas where the discharge of fireworks presents a significant hazard and to prohibit the discharge of fireworks within, into, and over such areas as described in City Ordinance and also as depicted on the map presented to the City Council; and

WHEREAS, pursuant to Utah Code § 10-8-47, § 15A-5-202.5, and § 53-7-225, the City has the authority to regulate the discharge of fireworks;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City, State of Utah, as follows:

Section. 1. Title 8, Chapters 5 and 6 of the Revised Ordinances of Sandy City are hereby amended and replaced by the revised copy of Title 8, Chapters 5 and 6, which is attached hereto as **Exhibit A** and incorporated in this ordinance.

Section 2. The map depicting prohibited areas for the discharge of fireworks within the City, which is attached as **Exhibit B** and incorporated in this ordinance, is approved and adopted.

Section 3. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 4. The provisions of this ordinance shall be severable; and if any provision thereof, or the application of such provision under any circumstance is held invalid or unconstitutional by a court of competent jurisdiction, it shall not affect any other provision of this ordinance, or the application in a different circumstance.

Section 5. This ordinance shall become effective upon publication of a summary thereof.

PASSED AND APPROVED by the Sandy City Council this 8th day of May, 2018.


Linda Martinez Saville, Chairman
Sandy City Council

PRESENTED to the Mayor this 10th day of MAY, 2018.

APPROVED by the Mayor this 10th day of MAY, 2018.


Kurt Bradburn, Mayor

ATTEST:


City Recorder

RECORDED this 11th day of May, 2018.

SUMMARY PUBLISHED this 12th day of May, 2018.



Exhibit A

Prohibited Areas for Fireworks, Fires

Sandy City Exhibit B

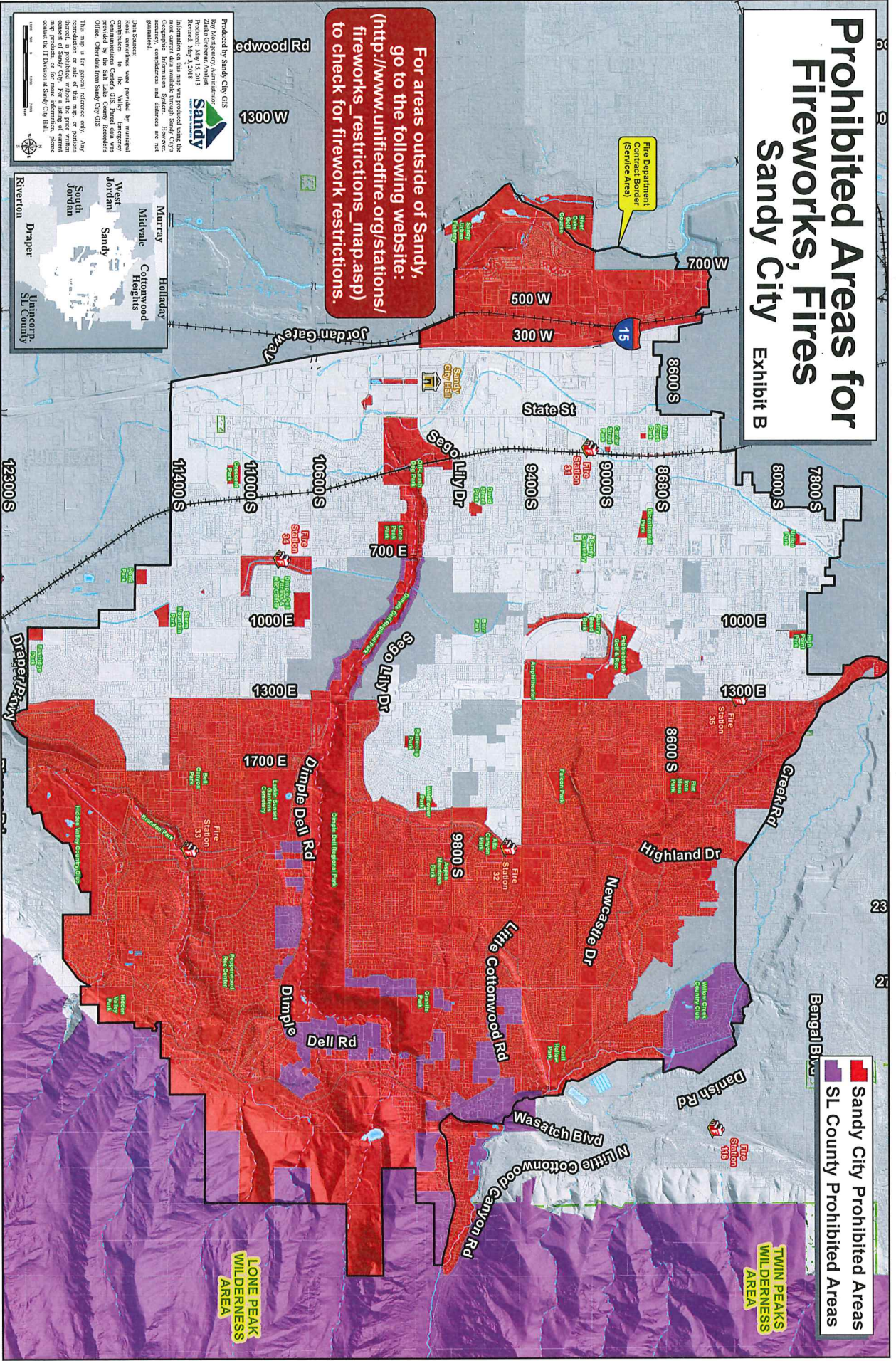
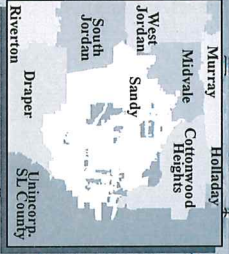
For areas outside of Sandy, go to the following website: (http://www.unifiedfire.org/stations/fireworks_restrictions_map.asp) to check for fireworks restrictions.

Produced by Sandy City GIS
 Map Technology, Administration
 Produced: May 15, 2013
 Revised: July 2, 2018

Information on this map was produced using the geographic information system. Accuracy, completeness and distance are not guaranteed.

Data sources were provided by municipal contributors to the Valley Emergency Communications Center's GIS. Most data was collected from the City of Sandy, Utah. Other data from Sandy City GIS.

This map is for general reference only. Any reproduction or use of this map, or portion thereof, by Sandy City or a third party without the express written permission of Sandy City is prohibited. Please contact the IT Division at Sandy City Hall.



■ Sandy City Prohibited Areas
■ SL County Prohibited Areas

TWIN PEAKS WILDERNESS AREA

LONE PEAK WILDERNESS AREA

Exhibit B

Chapter 5 REGULATION OF FIREWORKS SALES AND DISTRIBUTION

8-5-1. Fireworks Authority and Purpose.

- (a) R710-002 Rules Pursuant to the Utah Fireworks Act, as adopted by the Utah State Fire Prevention Board is hereby adopted, along with all relevant references in said rule.
- (b) 53-7-201 Rules Pursuant to the Short title, as adopted by the Utah State Fire Prevention Board is hereby adopted, along with all relevant references in said rule.
- (c) 53-7-202 Rules Pursuant to the Definitions, as adopted by the Utah State Fire Prevention Board is hereby adopted along with all relevant references in said rule.
- (d) 53-7-221 Rules Pursuant to the Exceptions from Utah Fireworks Act, as adopted by the Utah State Fire Prevention Board is hereby adopted, along with all relevant references in said rule.
- (e) 53-7-222 Rules Pursuant to the Restrictions on sale or use of fireworks, as adopted by the Utah State Fire Prevention Board is hereby adopted, along with all relevant references in said rule.
- (f) 57-7-223 Rules Pursuant to the State license for display or special effects operators - Permit - Fee - Division duties revocation, as adopted by the Utah State Fire Prevention Board is hereby adopted, along with all relevant references in said rule.
- (g) 53-7-225 Rules Pursuant to the Times for sale and discharge of fireworks, as adopted by the Utah State Fire Prevention Board is hereby adopted, along with all relevant references in said rule.
- (h) 53-7-226 Rules Pursuant to the Violations - Misdemeanor, as adopted by the Utah State Fire Prevention Board is hereby adopted, along with all relevant references in said rule.
- (i) 11-3-1 thru 11-3-11 County and Municipal Fireworks Act, as adopted by the Utah State Fire Prevention Board is hereby adopted, along with all relevant references in said rule.

8-5-2. Enforcement.

- (a) Every officer charged with the enforcement of state and municipal laws including all fire enforcement officials and the division of public safety is hereby charged with responsibility to enforce this ordinance.
- (b) 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.

8-5-3. License Required.

- (a) No person shall engage in any type of retail, fireworks sales, storage or handling

without first having submitted an application for and obtained a license to sell fireworks from Sandy City.

- (b) The license for fireworks, issued by Sandy City, shall be available at the store or stand for presentation upon request to duly authorized public safety officials.
- (c) Applications for a license shall be submitted to the Business License Officer and approval shall be governed by applicable provisions in this chapter, in Title 5, Chapter 1 on business licensing and elsewhere in the Sandy City Ordinances.

8-5-4. License Application.

All applications for a license to sell fireworks shall:

- (a) Be made in writing accompanied by a fee as per the current Sandy City Fee Schedule per stand, trailer or building. This fee shall apply to all business operations engaged in the retail sale, storage or handling of fireworks;
- (b) Set forth the proposed location for such operation, including, if the license application is for a temporary stand or trailer, a map indicating the position of such stand or trailer in relation to property lines and other structures in the immediate vicinity. (This requirement may be satisfied by materials submitted under Temporary Use Permit requirements);
- (c) Include original insurance certificate(s) evidencing Commercial General Liability including Product Liability and Premises Liability coverage in favor of the applicant in the amount of \$2,000,000 per occurrence for bodily injury and \$1,000,000 property damage per occurrence, with a minimum aggregate limit of \$3,000,000 for multiple occurrences. Products Liability and Premises Liability coverage may be evidenced separately by an original certificate of insurance. Each certificate shall designate the City as an additional insured and be in a form, and with insurance companies that have an AM Best rating of A- IX or higher.
- (d) Include a statement that the applicant agrees to comply strictly with the terms of any license granted and to furnish any additional information upon request;
- (e) Include a copy of the Utah Sales Tax License;
- (f) Include a cash deposit, certificate of deposit, or surety bond as here required;
- (g) Include written permission of the owner of the property on which the fireworks will be sold, if such owner is different from the licensee.

8-5-5. Notice of Approval or Denial of License.

Applicants for a license shall be notified by the City of approval or denial of a license application no later than ten (10) days after the application is originally made.

8-5-6. General Requirements.

- (a) Stands and trailers shall be removed no later than August 1 and January 8 and seven days after the Chinese New Year of each year.
- (b) Each person seeking to operate a stand or trailer shall submit to the Sandy City Business License Division a cash deposit, certificate of deposit or surety bond made payable to the City in the amount of \$1000.00 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 licensee does not comply or remove the stand or 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 licensee and his deposit or surety bond.

8-5-7. Application.

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

8-5-8. Penalties.

- (a) Any person who sells retail fireworks other than those listed in 8-6-3, is guilty of a class "B" misdemeanor.
- (b) Any person violating this chapter is guilty of a class "B" misdemeanor.

Chapter 6 REGULATION OF FIREWORK DISPLAYS AND DISCHARGE

8-6-1. Authority.

This chapter is adopted pursuant to the authority granted municipalities in Section 11-3-10 of the Utah Code to regulate exhibitions of display fireworks.

8-6-2. Permit Required.

The display of fireworks otherwise prohibited by Chapter 5 of this title is permitted if done pursuant to a permit issued and approved in writing by the Sandy City Fire Chief or his designee. The display of fireworks done in those prohibited areas, as defined in Chapter 6-4 of this title, is permitted by display operators and special effects operators to the extent allowed under the laws of the State of Utah and if done pursuant to a permit issued and approved in writing by the Sandy City Fire Chief or his designee.

8-6-3. Application for Firework Displays.

- (a) Applications for permits for the display of fireworks under 8-6-2 shall be made in writing at least 20 days in advance of the date of the display. If such permit is granted, the sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.
- (b) The permittee for the display shall post a bond with the City or furnish proof, acceptable to the City, of commercial general liability insurance in an amount

no less than \$2,000,000 per occurrence, combined bodily injury and property damage coverage.

- (1) All bonds shall meet at least one of the following requirements:
 - (A) The bond shall be posted by the permittee in cash or its equivalent; or
 - (B) The bond shall be posted by an institution regulated by the Utah Department of Financial Institutions, or by a financial institution regulated by the Federal Deposit Insurance Corporation and acceptable to the City, or by a surety holding a certificate or authority as acceptable surety on federal bonds by the United States Department of the Treasury. In each case, the institution or surety shall be acceptable to the City and licensed to do business within the State of Utah.
- (2) Sandy City shall be named insured on any insurance policy provided under this section, and the policy must be from an insurance company with a Best's Key Guide rating of "B+" or better.
- (c) All displays of fireworks permitted under this chapter shall be operated in accordance with the standards established for the public display of fireworks by the National Fire Prevention Association.
- (d) The Fire Chief or his authorized representative may at any time prior to or during a display of fireworks revoke a permit to display fireworks or terminate a display in progress because of winds, dryness, or other factors creating a risk of fire or injury.

8-6-4. Discharge of Fireworks.

Due to the presence of existing hazardous environmental conditions, the discharge of fireworks as defined in Utah State Code Section 53-7-202(14), is hereby prohibited within, into, or over the following areas:

- (a) mountainous, brush-covered, forest-covered, or dry grass-covered areas;
- (b) within 200 feet of waterways, trails, canyons, washes, ravines, vacant lots, or similar areas where natural or unmaintained vegetation is present; and
- (c) the wildland urban interface area, which means the line, area, or zone where structures or other human development meet or intermingle with undeveloped wildland or land being used for an agricultural purpose.
- (d) those areas of the City specifically described as prohibited in Exhibit "B" of Sandy City Ordinance #18-13, copies of which ordinance and exhibit have been filed for use and examination by public in the office of the Sandy City Recorder.