

ORDINANCE 2013-19.

AN ORDINANCE AMENDING SECTIONS 9.43.030, 9.43.040, 9.43.050, 9.43.060, AND 9.43.070 OF THE PROVO CITY CODE TO OUTLINE KEY ELEMENTS OF THE UTAH FIREWORKS ACT AND UPDATE THE DISCHARGE RESTRICTED AREA. (13-060)

WHEREAS, the Administration recently reviewed Chapter 9.43 of the Provo City Code in consideration of the upcoming holiday season and found necessary updates to bring the code current with the State Fireworks Act; and

WHEREAS, it is proposed that Sections 9.43.030, 9.43.040, 9.43.050, 9.43.060, and 9.43.070, Provo City Code, be amended to reflect the necessary updates, to clarify the discharge restricted area, and outline key elements of the Utah Fireworks Act; and

WHEREAS, on June 18, 2013, the Municipal Council held a duly noticed public meeting to ascertain the facts regarding this matter, which facts are found in the meeting record; and,

WHEREAS, after considering the facts presented to the Municipal Council, the Council finds (i) Sections 9.43.030, 9.43.040, 9.43.050, 9.43.060, and 9.43.070 should be amended as set forth below, and (ii) such action reasonably furthers the health, safety, and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:

PART I:

Sections 9.43.030, 9.43.040, 9.43.050, 9.43.060, and 9.43.070 of the Provo City Code are hereby amended as follows:

9.43.030. Permit Required.

No person shall offer for sale or sell, at retail, any fireworks without a permit countersigned by the Fire Chief or his designee.

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9.43.040. Sales Locations.

(1) Retail sales of fireworks shall be permitted within a permanent structure in connection with which structure a business license is in effect pursuant to provisions of Title 6 of the Provo City Code, or, from a temporary stand or trailer. Retail sales of fireworks shall be allowed only at locations within the following zoning districts (SC1) neighborhood shopping center zone, (SC2) community shopping center zone, (SC3) regional shopping center zone, (CBD) central business

44 district commercial zone, (CG) general commercial zone, (CH) highway service commercial
45 zone, and, (CM) heavy commercial zone, (PF) public facilities zone, (M1) light manufacturing
46 zone, (M2) heavy manufacturing zone. Temporary stands or trailers used for the sale of
47 fireworks shall be subject to the following requirements for violation of which a retail sales
48 permit may be refused or canceled:

49 (a) No fireworks stand or trailer shall be located within twenty-five (25) feet of any
50 other building nor within fifty (50) feet of any gasoline pump or dispensing device;

51 (b) Fireworks stands or trailers need not comply with the provisions of the ~~Uniform~~
52 ~~Building Code~~ International Building Code, however, all stands or trailers shall be
53 erected in a manner that will reasonably assure the safety of attendants and patrons;

54 (c) Each stand or trailer shall not have in excess of four hundred fifty (450) square
55 feet of floor space, and each stand or trailer shall have not less than two (2) exits,
56 each of which must be at least twenty-eight (28) inches in width;

57 (d) A sign prohibiting the discharge of any fireworks within one hundred (100) feet
58 of the fireworks stand or trailer shall be prominently displayed;

59 (e) A map no smaller than 11 inches by 17 inches showing the Discharge Restricted
60 Area within Provo City shall be prominently displayed;

61 ~~(e)~~ (f) There shall be at least one (1) supervisor, sixteen (16) years of age or older,
62 on duty at all times. Fireworks shall not be sold on a self-service basis. Fireworks
63 shall be placed in a location which is unavailable and inaccessible to members of
64 the public; and

65 ~~(f)~~ (g) Fireworks stands or trailers shall be removed within seven (7) days after
66 retail sales cease.

67 (2) Prior to the issuance of a permit, each applicant shall file with the City a cash deposit in the
68 amount of three hundred dollars (\$300.00) for each retail sales location to assure compliance
69 with the provisions of this Section, including, but not limited to, the removal of the stand or
70 trailer and the cleaning of the site; provided, however, that no applicant shall be required to post
71 a total bond for all sales locations in an amount greater than one thousand dollars (\$1,000.00). In

72 the event the permittee does not comply with the provisions of this Chapter or remove the stand
73 or trailer or clean the site thereof, the City may remove the stand or trailer and clean the site or
74 cause the same to be done by other persons and the reasonable cost thereof shall be a charge
75 against the permittee and shall be subtracted from the bond described above.

76 (3) No person shall sleep in the fireworks stand or trailer overnight. (Am 1988-32)

77 **9.43.050. Prohibited Acts.**
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79 (1) It shall be unlawful to discharge fireworks:

80 (a) within one hundred (100) feet of any place where fireworks are sold or offered
81 for sale;

82 (b) within three hundred (300) feet of any church, hospital, rest home, retirement
83 center, school building or similar institution;

84 (c) in such a manner that the fireworks project over or onto the property of another
85 person without the consent of the person owning or controlling such property; or

86 (d) in any public park except as designated by Provo City in 9.43.060; or

87 (e) within the geographical area designated “Discharge Restricted Area” as defined
88 in 9.43.060

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90 **9.43.060. Discharge Restricted Area**

91 (1) Discharge of consumer fireworks is prohibited beginning June 30 and ending July 28 in the
92 geographical area defined herein.

93 East of US 89 (South State Street) beginning at the Springville City line and proceeding
94 north to 1320 South; south of 1320 South as it proceeds east along 1320 South until, after
95 becoming 1400 South, it intersects with Slate Canyon Drive; east of Slate Canyon Drive
96 as it proceeds north by northwest until Slate Canyon Drive becomes 300 South; north of
97 300 South as it proceeds west until 300 South intersects with 900 East; east of 900 East
98 as it proceeds north until 900 East intersects with Center Street; south of Center Street as
99 it proceeds east until Center Street intersects with Seven Peaks Boulevard; east of Seven

Peaks Boulevard as it proceeds north until Seven Peaks Boulevard intersects with 700 North; north of 700 North as it proceeds west until 700 North intersects with 1200 East; east of 1200 East as it proceeds north and becomes Birch Lane; east of Birch Lane proceeding north by northwest until it intersects 900 East; east of 900 East as it proceeds north until 900 East becomes 2200 North; north of 2200 North as it proceeds west until 2200 North intersects Timpview Drive (650 East); east of Timpview Drive as it proceeds north until it intersects with Foothill Drive; north of Foothill Drive as it proceeds west and intersects with US 189 (University Avenue); east of US 189 as it proceeds to the Provo City Border.

(2) The following Provo City Parks are available for residents in the Discharge Restricted Area to discharge consumer fireworks during the open discharge dates and times from July 1 through July 7, and again from July 21 through July 27.

Seretoma Park - 400 East 2400 North

Kiwanis Park – 820 North 1100 East

Provost Park – 629 South 1000 East

Exchange Park – 900 North 700 West

Fort Utah Park – 200 North Geneva Road

Footprinters Park – 1150 South 1350 West

9.43.06070. Conflicting Provisions.

In the event there should at any time be a conflict between the provisions of this Chapter, and provisions of the Utah Fireworks Act or rules and regulations adopted pursuant thereto, the latter shall control.

9.43.070

~~(1) This Chapter 9.43, Provo City Code applies to the sale and use of class C fireworks only and not to class A or B fireworks or explosives.~~

~~(2) With respect to class C fireworks only, the provisions of this Chapter, which conditionally authorize the sale of certain fireworks, shall supersede Section 78.102(b) of the 1985 edition of the Uniform Fire Code, and like provisions in any subsequent edition of the Uniform Fire Code which purport to prohibit the sale of fireworks contrary to the provisions of this Chapter.~~

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PART II:

A. If a provision of this Ordinance 2013-19 conflicts with a provision of a previously adopted ordinance concerning the same title, chapter, and/or section number amended herein, the provision in this Ordinance shall prevail.

B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.

C. The Municipal Council hereby directs that the official copy of the Provo City Code be updated to reflect the provisions enacted by this ordinance.

D. This ordinance shall take effect immediately after being posted or published as required by law.

END OF ORDINANCE.