

**MILLVILLE CITY CODE
TITLE 8 - HEALTH AND SAFETY
CHAPTER 8.50 - SALE AND USE OF FIREWORKS**

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8.50.010: PURPOSE

This chapter's purpose is to set forth the City's permanent policies and procedures concerning the sale and use of fireworks and to authorize the City Council to establish additional temporary rules regarding the possession and use of fireworks as provided herein. (Ord. 2017-1, 2017)

8.50.020: DEFINITIONS

As used in this chapter:

CLASS C COMMON STATE APPROVED EXPLOSIVE: A firework that is: a) purchased at retail for use by a consumer; and b) is not a Class C dangerous explosive.

CLASS C DANGEROUS EXPLOSIVE: A Class C explosive that is:

- A. A firecracker, cannon cracker, ground salute, M-80, cherry bomb, or other similar explosive;

- B.
 - 1. A skyrocket;
 - 2. A missile type rocket;
 - 3. A single shot, or reloadable aerial shell;
 - 4. A rocket similar to one described in subsections B1 through B3 of this definition, including an aerial salute, a flash shell, a comet, a mine, or a cake containing more than five hundred grams (500 g) of pyrotechnic composition;

- C.
 - 1. A bottle rocket;
 - 2. A roman candle;
 - 3. A rocket mounted on a wire or stick; or
 - 4. A device containing a rocket described in this definition.

CLASS C EXPLOSIVE: A Division 1.4G explosive as defined by the United States Department of Transportation in part 173, title 49, Code of Federal Regulations.

FIREWORKS: A Class C explosive, Class C dangerous explosive, and Class C common State approved explosive.

RESTRICTED AREA: That portion of the City which is east of 500 East. (Ord. 2017-1, 2017)

8.50.030: SALE OF FIREWORKS PROHIBITED

Within the limits of the City, it is unlawful for any person, firm, partnership or corporation to sell or offer for sale any fireworks or device designed to launch fireworks into the air. (Ord. 2017-1, 2017)

8.50.040: PERMIT REQUIRED

Except as otherwise allowed under this chapter, it is unlawful for any person, firm, partnership or corporation within the limits of the City to discharge any firework or combustible or explosive matter without first obtaining permission of the Mayor or the Mayor's designee. Such permission shall be granted only on written application made therefor and after the application has been submitted to the Chief of the Fire Department and a report thereon made by the Chief to the Mayor or the Mayor's designee. The permission provided for in this section shall be in writing and shall specify the time when and the place where such fireworks or combustible or explosive matter may be discharged, set off or exploded. (Ord. 2017-1, 2017)

8.50.050: NEGLIGENT DISCHARGE OF FIREWORKS

It is unlawful for any person, firm, partnership or corporation to:

- A. Ignite, explode, project or otherwise fire or use, or permit the ignition, explosion, or projection of any fireworks upon, over or onto the property of another.
- B. Ignite, explode, project or otherwise fire or make use of any fireworks within twenty feet (20') of:
 - 1. Any residence, dwelling or other structure; or
 - 2. A vertical or overhead obstruction (such as a tree, line, or structure overhead) measured from the point on the ground directly below the outermost perimeter of such obstruction.
- C. Ignite or discharge any fireworks within or throw the same from a motor vehicle.
- D. Place any ignited article of fireworks into or near a motor vehicle or near any person or group of people.
- E. Throw any ignited article of fireworks into, at or from a motor vehicle, or at or near any person or group of people.
- F. Ignite, or assist in igniting, fireworks in a lawful location to allow the fireworks to be launched into, projected over, or to land in a restricted area. No person shall be prosecuted under this section when acting reasonably under authority of a permit issued under this chapter. (Ord. 2017-1, 2017)

8.50.060: GENERAL RESTRICTIONS ON THE DISCHARGE OF FIREWORKS

Except as provided in section 8.50.040 of this chapter, it is unlawful for any person, firm, partnership or corporation to do any of the following:

- A. Discharge any Class C dangerous explosive;
- B. Discharge any type of homemade explosive or firework;
- C. Discharge any firework within a restricted area; or
- D. Set off any type of Chinese lantern or similar fire floating device. (Ord. 2017-1, 2017)

8.50.070: DISCHARGE OF CERTAIN FIREWORKS ALLOWED

Subject to any temporary rule adopted pursuant to section 8.50.080 of this chapter, Class C common State approved explosives may be discharged outside of a restricted area during the following dates and times:

- A. Between the hours of eleven o'clock (11:00) A.M. and eleven o'clock (11:00) P.M., except on July 4 and July 24 the hours are eleven o'clock (11:00) A.M. to twelve o'clock (12:00) midnight, during the following periods:
 - 1. Beginning on July 1 and ending on July 7, and
 - 2. Beginning on July 21 and ending on July 27;
- B. Beginning at eleven o'clock (11:00) A.M. on December 31 and ending at one o'clock (1:00) A.M. on the following day; or if New Year's Eve is on a Sunday and the City determines to celebrate New Year's Eve on the prior Saturday, then it is lawful to discharge on the prior Saturday; and
- C. Beginning at eleven o'clock (11:00) A.M. on the Chinese New Year's Eve and ending at one o'clock (1:00) A.M. on the following day. (Ord. 2017-1, 2017)

8.50.080: AUTHORITY TO ISSUE TEMPORARY RESTRICTIONS

To the extent allowable under Utah law, and in times when the climatic or environmental conditions necessitate, the City Council may issue temporary rules which further regulate the possession and discharge of fireworks in order to preserve the health, safety, and welfare of individuals and property within the City. (Ord. 2017-1, 2017)

8.50.090: PENALTY

A violation of a time of day restriction set forth in section 8.50.070 of this chapter is an infraction. A violation of any other section of this chapter is a Class B misdemeanor. (Ord. 2017-1, 2017)