

CHAPTER 7

EXPLOSIVES

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16-7-1 Purpose. The purpose of this Chapter is to regulate the retail sale of class C common state approved explosives and exempt explosives within Kaysville City in accordance with the County and Municipal Fireworks Act (Utah Code Sections 11-3-1 through 11-3-11).

16-7-2 Definitions. The definitions in Utah Code Section 53-7-202 apply to this Chapter.

16-7-3 Sale of Class C Common State Approved Explosives. Sale of class C common state approved explosives shall be permitted only from a temporary stand, trailer or tent used exclusively for the sale of class C common state approved explosives, and sales from any other building or structure are prohibited. Temporary stands, trailers and tents shall be subject to the following regulations:

(1) Temporary stands, trailers and tents less than 200 square feet, used for the retail sales of class C common state approved explosives, shall be constructed in compliance with nationally recognized practice. Tents having an area in excess of 200 square feet shall comply with Chapter 24 of the International Fire Code.

(2) The general public shall not be allowed to enter a temporary stand or trailer.

(3) Each stand, trailer or tent less than 200 square feet shall have a minimum three foot wide unobstructed aisle, running the length of the stand, trailer or tent.

(4) All tents where customers enter inside shall have a minimum three foot wide unobstructed aisle and two separate exits located a reasonable distance apart and so located that if one is blocked the other will be available.

(5) The area used for sales of class C common state approved explosives in stands, trailers or tents shall be arranged to permit the customer to only touch or handle pre-packaged class C common state approved explosives. All non pre-packaged class C common state approved explosives shall be displayed in a manner which prevents the explosives from being

handled by the customer without direct intervention of the retailer who shall be able to maintain visual contact with the customer.

(6) Temporary stands, trailers or tents for the sale of class C common state approved explosives shall be located at least 50 feet from other stands, trailers, tents, LPG, flammable liquid or gas storage and dispensing units.

(7) If the stand or trailer is used for the overnight storage of class C common state approved explosives, it shall be equipped with suitable locking devices to prevent unauthorized entry. Tents shall not be used for overnight storage of class C common state approved explosives unless on site security is provided.

(8) No person shall be allowed to sleep in any temporary stand, trailer or tent in which class C common state approved explosives are stored or sold.

(9) Stands, trailers or tents shall not be illuminated or heated by any device requiring an open flame or exposed heating elements. All heaters shall be approved by the City.

(10) All illumination shall be installed in accordance with the temporary wiring section of the National Electric Code and approved by the City.

16-7-4 License to Sell Class C Common State Approved Explosives. (1) No person shall sell or offer for sale at retail any class C common state approved explosives within Kaysville City without first having applied for and received a Kaysville City license.

(2) All applications for licenses to sell class C common state approved explosives shall:

- (a) Be made in writing and set forth the proposed location of the stand, and state that the applicant will comply with all the provisions of this Chapter.
- (b) Include a copy of the Utah State Sales Tax License.
- (c) Include payment of the fee and a clean-up deposit in amounts as established from time to time by resolution of the City Council. Said clean-up deposit is to assure compliance with the provisions of this Chapter, 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 clear 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. The license fee and clean-up deposit may be waived for owners of an existing permanent business within Kaysville City licensed under this Title.
- (d) Include an insurance certificate evidencing public liability, product liability, and property damage coverage in favor of the applicant and

designating the City as an additional insured in the amount of \$500,000 per occurrence.

(3) Applicants for a license shall be notified by the City of approval or denial of a license application within ten days of the filing date.

(4) The license to sell class C common state approved explosives and the Sales Tax License shall be displayed in a prominent place in the stand.

16-7-5 Times for Sale and Discharge of Class C Common State Approved Explosives. (1) A person may sell Class C common state approved explosives in Kaysville City as follows:

- (a) beginning on June 23 and ending on July 27;
- (b) beginning on December 29 and ending on December 31; and
- (c) two days before and on the Chinese New Year's eve.

(2) A person may discharge Class C common state approved explosives in Kaysville City as follows:

- (a) between the hours of 11 a.m. and 11 p.m., except that on July 4 and July 24, the hours are 11 a.m. to midnight:
 - (i) beginning on July 1 and ending on July 7; and
 - (ii) beginning on July 21 and ending on July 27;
- (b) (i) beginning at 11 a.m. on December 31 and ending at 1 a.m. on the following day; or
 - (iii) if New Year's eve is on a Sunday and Kaysville City determines to celebrate New Year's eve on the prior Saturday, then it is lawful to discharge Class C common state approved explosives on that prior Saturday; and
- (b) beginning at 11 a.m. on the Chinese New Year's eve and ending at 1 a.m. on the following day.

16-7-6 Sale of Exempt Explosives. Retailers licensed by Kaysville City may sell exempt explosives inside their permanent structures on the licensed premises as a part of their licensed business in accordance with the following provisions:

(1) The area where the exempt explosives are displayed or stored shall be at least 50 feet from any flammable liquid or gas, or other highly combustible material.

(2) Exempt explosives shall not be stored (including stock for sale) near exit doorways, stairways, or in locations that would impede egress.

(3) Exempt explosives shall be stored, handled, displayed, and sold only as packaged units.