

1981-8

R E S O L U T I O N

WHEREAS, the Carbon County Commissioners have heretofore recognized the dangers of fireworks including the fire danger thereof; and,

WHEREAS, Wyoming Statutes Section 35-9-110(a)(vi), 1977, provides that the advisory council on fire prevention, electrical safety and energy efficiency shall adopt rules and regulations "to allow any . . . county to adopt and enforce local minimum fire prevention. . . standards which are not less stringent than state standards. . ."; and,

WHEREAS, Wyoming Statutes Section 35-9-121(b), 1977, states that the State Fire Marshall "shall delegate authority to. . . counties who apply to enforce local or state fire standards. . ."; and,

WHEREAS, the rules and regulations of the State Department of Fire Prevention and Electrical Safety specifically adopt the Uniform Fire Code including its ban on fireworks;

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Carbon County, Wyoming on the basis of the powers specifically granted to it as set forth hereinabove and the powers necessarily and reasonably implied from its expressed statutory authority as follows:

Section 1. Article 78 of the Uniform Fire Code is hereby adopted as follows:

ARTICLE 78

FIREWORKS

Definition

Sec. 78.101. For definition of FIREWORKS, see Section 9.108. (See Section 2. hereof.)

Permits for Manufacturing, Sale and Discharge

Sec. 78.102. (a) The manufacture of fireworks within the jurisdictional area is prohibited except under special permits as are required by local and state regulations.

(b) Except as hereinafter provided, it shall be unlawful for any person to possess, store, to offer for sale, expose for sale, sell at retail or use or explode any fireworks, provided that the chief shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by a jurisdiction, fair associations, amusement parks, other organizations or for the use of fireworks by artisans in pursuit of their trade. Every such use or display shall be handled by a competent operator approved by the chief and shall be of such character and so located, discharged or fired so as, in the opinion of the chief after proper investigation, not to be hazardous to property or endanger any person.

(c) Applications for permits shall be made in writing at least 10 days in advance of the date of the display. After such privilege shall be granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

#### Bond for Fireworks Display Required

Sec. 78.103. The permittee shall furnish a bond or certificate of insurance in an amount deemed adequate by the chief for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display and arising from any acts of the permittee, his agents, employees or subcontractors.

#### Disposal of Unfired Fireworks

Sec. 78.104. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining.

#### Exception

Sec. 78.105. Nothing in this article shall be construed to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes of illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports or for use by military organizations.

#### Seizure of Fireworks

Sec. 78.106. The chief shall seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored or held in violation of this article.

Section 2. The following terms shall have the following meanings when used herein:

(a) Fireworks. Fireworks is any combustible or explosive composition, or any substance or combination of substances, or device prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, firecrackers, torpedoes, sky-rockets, Roman candles, Daygo bombs, sparklers or other devices of like construction and any devices containing any explosive or flammable compound, or any tablet or other device containing an explosive substance, except that the term "fireworks" shall not include any auto flares, paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times.

(b) Chief. Chief shall mean the County Fire Chief or his duly authorized representative.

Section 3. Whenever requested to do so by the chief or his authorized representative, the Sheriff shall assign such available deputies as in his discretion may be necessary to assist the County Fire Department in enforcing the provisions of this Resolution.

Section 4. Any person found guilty of violating the terms of this Resolution shall be deemed guilty of a misdemeanor and shall be fined not more than Five Hundred Dollars (\$500.00) to which may be added imprisonment in the County Jail not to exceed ninety days (90). Each day fireworks are offered for sale shall constitute a separate offense as shall each sales transaction.

Section 5. In addition to the criminal penalties provided herein, the chief is authorized through the County legal advisors to initiate such legal proceedings, including injunctive relief, as may be necessary to enforce the terms of this Resolution.

Section 6. The Resolution adopted by the Carbon County Commissioners governing the sale and use of pyrotechnics at its July 2, 1980 meeting is hereby repealed.

Section 7. This Resolution shall be deemed an additional regulation of the sale and offering for sale of fireworks in Carbon County, Wyoming, and in no way shall be construed to limit the State Statutes governing fireworks which otherwise apply.

Section 8. The permit requirements hereof for fireworks displays are hereby expressly waived where such fireworks displays occur in an incorporated community in Carbon County, Wyoming enforcing fireworks display permit requirements.

Section 9. This Resolution shall be effective September 1, 1981.

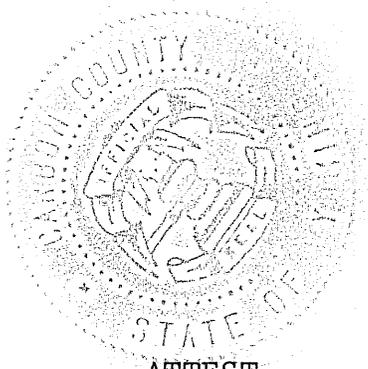
PASSED, ADOPTED AND APPROVED this 4th day of August, 1981.

BOARD OF COUNTY COMMISSIONERS,  
COUNTY OF CARBON

By: Robert J. Lieve  
Chairman

Martin M. Mahon  
Member

Earl J. ...  
Member



ATTEST:

Mary G. Bradford  
County Clerk