

## ORDINANCE GOVERNING THE SALE AND STORAGE OF FIREWORKS

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### Chapter 22 – BUSINESSES

#### ADDITION OF ARTICLE IV – SALE AND STORAGE OF FIREWORKS

##### Section 22-20 Purpose

- a) The purpose of this ordinance is to protect the public's health, welfare, and safety in the vicinity of any area where fireworks are stored or sold within the Town of Tiverton and assist in fire prevention and suppression.

##### Section 22-21 Definitions

- a) Vendor: An individual person or legal entity allowed to sell or store fireworks in the State of Rhode Island, and more particularly, to sell, at retail or at wholesale, fireworks in the Town of Tiverton.
- b) Permitted Fireworks: The fireworks permitted for sale are those that are authorized for sale without license by Rhode Island General Laws § 23-28.11-3 and § 11-13-1. These include, but are not limited to, ground and hand-held sparkling devices. These devices are ground based or hand-held devices that produce a shower of white, gold, or colored sparks as their primary pyrotechnic effect. Additional effects may include a colored flame, an audible crackling effect, an audible whistle effect, and smoke. These devices do not rise into the air, do not fire inserts or projectiles into the air, and do not explode or produce a report (a mild audible crackling-type effect is not considered to be a report). Ground-based or hand-held devices that produce a cloud of smoke as their sole pyrotechnic effect are also included in this category.

##### Section 22-22 Permits

- a) No person or legal entity shall store, except for his or her own use, or sell within the Town of Tiverton any fireworks without first obtaining a permit from the Town Council.
- b) Vendors shall apply to the Tiverton Town Council via the Town Clerk with a copy to the Fire Chief or his/her designee for the permit, and upon the determination of the Fire Chief that the application is complete, it shall be forwarded to the Town Clerk for placement on a Town Council meeting agenda.
- c) Vendors shall pay an annual permit fee of Fifty Dollars (\$50.00).
- d) Permits must be renewed annually
- e) No permit is transferable.
- f) The Tiverton Town Council may place additional reasonable conditions on any permit issued. Permits must be prominently displayed at the location where the fireworks are sold.

##### Section 22-23 Permit Conditions

- a) The vendors' premises shall be inspected annually by the Tiverton Fire Department to assure compliance with the state statute and local ordinance.

- b) Vendors shall make their premises reasonably available for periodic inspection by the Tiverton Fire Department.
- c) No fireworks shall be sold, except in an established place of business that has been approved for the sale of fireworks by the Fire Chief or his/her designee at the time the permit is issued.
- d) No fireworks shall be stored, kept, sold or used within fifty (50') feet of any gasoline pump, gasoline tank or gasoline station, or any pump, tank, or station for similarly flammable material.
- e) Discharge of fireworks on the property of a vendor is prohibited. Any fireworks devices that are readily accessible to handling by consumer or purchasers in a retail sales location shall have their exposed fuses protected in a manner to protect against accidental ignition of an item by a spark, cigarette or other ignition source.

#### Section 22-24 Inspection and Inventory

- a) The Fire Chief or his/her designee may at any reasonable hour enter and inspect the premises of any vendor where fireworks are sold or stored and may seize non-permitted fireworks or close the premises for any other violation(s) involving the health, safety, and welfare of the public.
- b) Every vendor shall provide to the Fire Chief or his/her designee a yearly inventory, including type, quantity, and location, of all fireworks stored or expected to be stored by the vendor within the Town of Tiverton. Failure to provide a reasonably accurate inventory may result in the loss of the permit to sell fireworks in the Town of Tiverton.

#### Section 22-25 Compliance

- a) All vendors shall be responsible for conducting activities in a manner that is safe and responsible and in compliance with all federal, state and local rules and regulations, especially including, Rhode Island state building and fire code regulations and all other applicable fire safety regulations.

#### Section 22-26 Penalty

- a) In addition to the penalties provided for by statute (Rhode Island General Laws § 23-28.11-9) any violation of this ordinance shall be grounds for the revocation of the permit issued by the Town of Tiverton.

#### Section 22-27 Fire Extinguishers

- a) Vendors must publicly display at least two (2) fire extinguishers of a type approved by the Fire Chief, Fire Marshall, or his/her designee. The fire extinguishers must be kept at widely separated points within the actual area in which the fireworks are displayed.

#### Section 22-28 Severability

- a) If any provision of this ordinance is held invalid, the remainder of the ordinance or the application of the provisions thereof shall not be affected.