

ORDINANCE NO. 1052

AN ORDINANCE OF THE DRAPER CITY COUNCIL AMENDING DRAPER CITY MUNICIPAL CODE SECTION 6-6-020, SALE, DISCHARGE AND POSSESSION OF FIREWORKS RESTRICTED, BY PROHIBITING SKY LANTERN FIREWORKS IN ALL LOCATIONS OF THE CITY; AND MAKING TECHNICAL CORRECTIONS

WHEREAS, Section 310.8 of the International Fire Code allows the legislative body of a municipality to prohibit the discharge of fireworks and other ignition sources in specified areas if the local fire code official determines that hazardous environmental conditions exist; and

WHEREAS, the State Fire Marshal has declared that hazardous environmental conditions exist in all areas of Draper City as pertaining to the discharge of “sky lantern” fireworks because the firework is allowed to float away as the air inside the lantern rises in temperature, and it has the ability to travel up to one mile in a lit condition which threatens the mountainous, brush-covered, and forest-covered areas of wildland urban interface areas; and

WHEREAS, fires must be attended by a person at all times until they are completely extinguished; and

WHEREAS, the council finds it is in the best interest of the City and the general health, safety and welfare of the public to prohibit the discharge of “sky lantern” fireworks in all areas of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER, STATE OF UTAH, AS FOLLOWS:

SECTION I. Amendment. Draper City Municipal Code Section 6-6-020 is hereby amended to read:

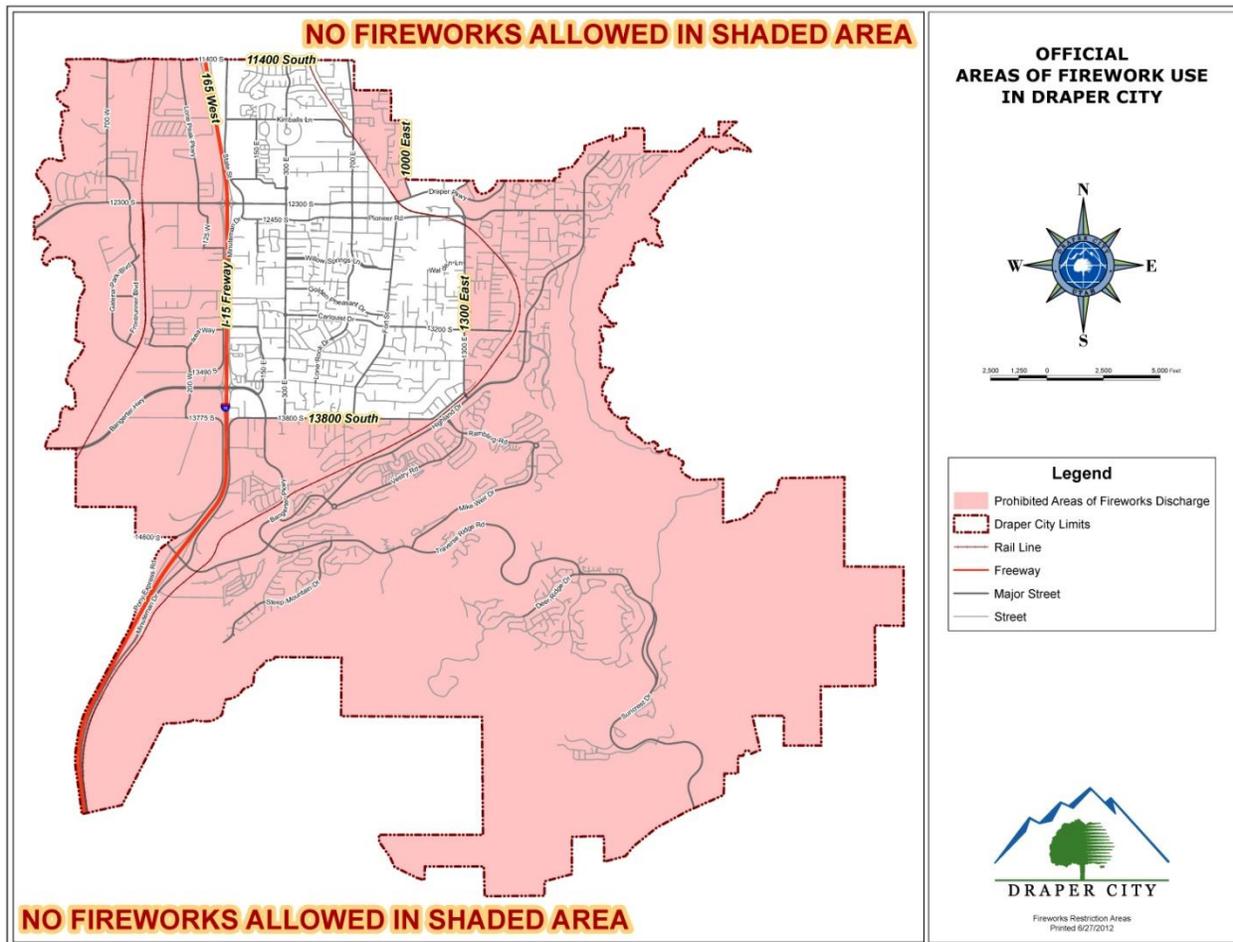
Section 6-6-020 Sale, Discharge and Possession of Fireworks Restricted.

(a) It is unlawful and shall constitute a class **"B"** misdemeanor for any person to sell or offer for retail sale any fireworks without first obtaining a license from the City and paying the required regulatory fee as set forth in the City's Consolidated Fee Schedule.

(b) It is a class **"B"** misdemeanor for any person to sell, offer for retail sale, discharge, or have in their possession any fireworks in Draper City, other than class C common state approved explosives as authorized by Utah Code Ann. 53-7-201 et seq., as amended, the rules adopted by the Utah Fire Prevention Board pursuant thereto, and this chapter, except as otherwise permitted by state law.

(c) It shall be unlawful to discharge any fireworks within 20 feet of any residence, dwelling, or structure.

(d) Due to perennial extreme hazardous fire conditions in certain portions of Draper City, the discharge of fireworks is prohibited east of 1300 East Street, south of 13800 South Street, west of Interstate 15, and in the area from 12300 South running north along 1000 East Street to the north City boundary, then following the City boundary west to 700 East Street, then south to the UTA TRAX line, then following the TRAX line to 12300 South Street, to be known as the Mehraban Wetlands Area, all as shown on the following map:



(e) It is unlawful and shall constitute a class “B” misdemeanor for any person to discharge display fireworks, special effects, or flame effects performances, without first receiving a Draper City permit therefor. Evidence shall also be provided that the display operator, special effects operator, or flame effects operator who will set up and discharge the display has received a license from the State Fire Marshal Division, Department of Public Safety. The operator shall also provide a certificate of insurance in the minimum amount of \$2,000,000 and which names the City as an additional insured.

(f) It shall be unlawful and shall constitute a class B misdemeanor for any person to discharge or launch a “sky lantern” or similar type of unmanned fire. “Sky lantern” means a small unmanned hot air balloon with an opening at the bottom where a fire is suspended. “Sky

lanterns” are sometimes called “Chinese lanterns,” “sky candles” or “fire balloons” and usually consist of a wire frame with a paper shell and a candle or other fuel, by which the burning candle or fuel creates hot air that makes the lantern float and glow.

SECTION II. Repealer. Ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION III. Effective Date. This ordinance shall become effective upon recording by the City Recorder, and 20 days after publication or posting or 30 days after final passage by the City Council, whichever is sooner.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THIS _____ DAY OF _____, 2013.

ATTEST:

DRAPER CITY

City Recorder

Darrell H. Smith, Mayor