

CITY OF HOLLADAY

ORDINANCE NO. 2014-07

AN ORDINANCE ADOPTING RESTRICTIONS ON THE USE OF FIREWORKS WITHIN CERTAIN AREAS OF THE MUNICIPALITY WITH CONDITIONS.

WHEREAS, in 2011 the Utah Legislature modified the State law by amending the types of fireworks that may be discharged in Utah which appears to have increased the use of fireworks within the City; and

WHEREAS, in 2012 State law changed the dates allowed for discharge; and

WHEREAS, there currently is, and may be in the future, a high risk of fire during the times when fireworks are allowed to be discharged; and

WHEREAS, the Governor of the State of Utah has recommended that cities and towns consider a ban on fireworks due to high fire danger; and

WHEREAS, the City Council finds it is in the best interest of the municipality and the general health, safety and welfare of the public that this Ordinance should be passed.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THIS MUNICIPALITY AS FOLLOWS:

1. Definition. All terms relating to fireworks used in this ordinance shall have the same meaning as they are defined in *Utah Code Ann.* § 53-7-202 of the Utah Fire Prevention Act.

2. Sale, Discharge and Possession of Certain Fireworks Restricted.

a. It is unlawful for any person to sell or offer for retail sale, to ignite, or to discharge, or to have in their possession any fireworks in this municipality, other than class C common Utah State approved explosives used in accordance with, and only on the dates allowed, by *Utah Code Ann.* § 53-7-220 through 225; the rules adopted pursuant thereto; and this Ordinance, except as otherwise permitted by State law;

b. It is unlawful for any person to discharge any fireworks as more fully described in Exhibit "A" attached hereto and incorporated herein for all purposes;

c. Due to unusually extreme hazardous fire conditions in certain portions of the municipality, the discharge of any and all aerial fireworks is prohibited within the entire City limits;

d. Ground fireworks may be ignited provided that they are only ignited on cement, asphalt or similar hard surfaces, and that a water source such as a water bucket, garden hose, or suitable fire extinguisher is available at all times and such fireworks do not emit sparks, flames or other ignited material at a height greater than eight feet.

3. Public Displays. This ordinance and restrictions contained herein do not apply to the City's 4th of July Civic Celebration because of adequate fire prevention preparations.

4. Enforcement.

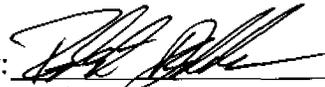
a. Every officer charged with enforcement of State and municipal laws, including the Fire Marshal, is hereby charged with the responsibility to enforce this Ordinance;

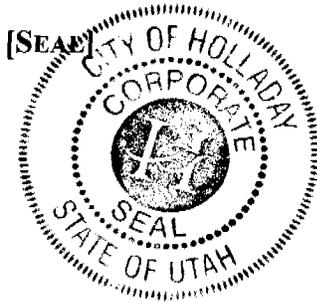
b. Fireworks possessed, sold or offered for sale in violation of this Ordinance may be seized and destroyed and the license of the person selling or offering fireworks for sale may be revoked.

5. Punishment. Violation of this Ordinance shall be a Class B misdemeanor punishable by both fine and imprisonment as set forth in Utah law.

6. Effective Date. This Ordinance shall take effect immediately upon passing and shall expire unless extended by an affirmative vote of the City Council at 11:59 p.m. on August 31, 2014.

PASSED AND APPROVED this 22nd day of May, 2014.

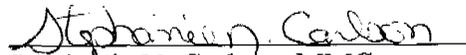
By: 
Robert Dahle, Mayor



VOTING:

Lynn H. Pace	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
J. James Palmer, Jr.	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Sabrina R. Petersen	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Patricia Pignanelli	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Steven H. Gunn	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Robert Dahle	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>

ATTEST:


Stephanie N. Carlson, MMC
City Recorder

DEPOSITED in the office of the City Recorder this 22nd day of May, 2014.

RECORDED this 22nd day of May, 2014.

FIREWORKS BANNED IN CERTAIN AREAS OF HOLLADAY

*Marty Slack, Assistant Chief
Unified Fire Authority*

The Unified Fire Authority performed an analysis of the City of Holladay and identified areas where fireworks pose an unusually high risk. These are areas where if a fire is started by fireworks the chances of it spreading quickly and causing significant damage are likely. The main parameters considered were topography (areas with steep upward slopes or thick vegetation where fires will spread quickly), fire department access (some areas are difficult to get fire crews into quickly allowing a fire to spread unchecked for many minutes), and past fire history. Recommendations were then made to the City Council to ban all fireworks, including "sparklers", in those high hazard areas. During a May 22nd City Council Meeting the Council unanimously approved banning fireworks in the following areas of the city:

All areas east of I-215 including the freeway right-of-way: This area of fireworks ban runs from the north-east corner of the city at 4430 South (aka Hwy 266 or 45th South) to 6200 South. The area comprises all UDOT property including the upward slope leading up to I-215. Residential areas included in this ban include the Heughs Canyon Subdivision (all streets east of Wasatch Blvd.), and the Tolcate Hills area east of the freeway (Tolcate Ln., Silver Hawk Dr., Whitewater Dr., Whitewater Cir., and Tolcate Hills Dr.) This ban does not include the Old Mill Golfcourse, the Park-N-Ride, or the Millrock area.

Cottonwood Area: This takes in most of the south end of the city within the following borders: Beginning at the south border of the City of Holladay at 2300 East and I-215, continuing north along 2300 East to Big Cottonwood Rd. (6200 S.), following Big Cottonwood Rd. west to Highland Dr., following Highland Dr. north to Arbor Ln., following Arbor Ln. east and north to Viewmont St., following Viewmont St. east to Marilyn Dr., following Marilyn Dr. south and east to Edgemoor Dr., following Edgemoor Dr. east to Cottonwood Ln., following Cottonwood Ln. north to Holladay Blvd., following Holladay Blvd. south to 6200 S., following 6200 S. east to I-215, following I-215 west along the south border of the City of Holladay to 2300 E.

Spring Creek: The banned area includes all spaces within one hundred feet of the center of Spring Creek between Wallace Ln. and Holladay Blvd. Spring Creek is located just south of Kentucky Ave. on the east side of the city.

Big Cottonwood Creek and Creekside Park: This includes any area within one hundred feet of Big Cottonwood Creek, as well as all of Creekside Park (Frisbee Park).

Legal fireworks are allowed outside of the banned areas, but there are some city-wide restrictions that you should be aware of in areas where they are permitted. Aerial fireworks are not allowed anywhere within the borders of the City of Holladay. If fireworks go more than eight feet off the ground they are not allowed. Fireworks are only permitted from July 1st to July 7th between 11am and 11pm (hours extended to midnight on July 4th), July 21st to July 27th between 11am and 11pm (hours extended to midnight on July 24th), December 31st between 11am and 1am on January 1st, and Chinese New Year's Eve between 11am and 1am the following day.



UNIFIED FIRE AUTHORITY

May 22, 2014

A Fireworks Risk Evaluation of the area within the borders of the City of Holladay has resulted in recommendations for restricting fireworks in certain areas of the city. These are areas where, if a fire is started by fireworks, the chances of it spreading quickly and causing significant damage are highly likely. Key factors considered were topography, vegetation, accessibility, and past history. These recommendations are in addition to the city-wide ban of aerial fireworks, which the Unified Fire Authority recommends remain in effect.

Fire Chief
Michael H. Jensen

The specific areas where a complete ban of all fireworks is recommended are as follows:

Deputy Chief
Gaylord A. Scott

ALL AREA EAST OF I-215 INCLUDING THE FREEWAY RIGHT-OF-WAY with the exception of Old Mill Golf Course, the Park-N-Ride, and the Millrock area. This area runs from the north-east corner of the city at 4430 South (aka Hwy 266 or 45th South) to 6200 South. All I-215 UDOT property, including the western upward slope leading up to I-215, is part of this area. Residential areas include the Heughs Canyon Subdivision (all streets east of Wasatch Blvd.), and the Tolcate Hills area east of the freeway (Tolcate Ln., Silver Hawk Dr., Whitewater Dr., Whitewater Cir., and Tolcate Hills Dr.) This does not include the Old Mill Golfcourse, the Park-N-Ride, or the Millrock area.

UFA Board

Tom Pollard
Chair

COTTONWOOD AREA. This takes in much of the south end of the city within the following borders: Beginning at the south border of the City of Holladay at 2300 East and I-215, continuing north along 2300 East to Big Cottonwood Rd. (6200 S.), following Big Cottonwood Rd. west to Highland Dr., following Highland Dr. north to Arbor Ln., following Arbor Ln. east and north to Viewmont St., following Viewmont St. east to Marilyn Dr., following Marilyn Dr. south and east to Edgemoor Dr., following Edgemoor Dr. east to Cottonwood Ln., following Cottonwood Ln. north to Holladay Blvd., following Holladay Blvd. south to 6200 S., following 6200 S. east to I-215, following I-215 west along the south border of the City of Holladay to 2300 E.

Matt Robinson
Vice-Chair

Kelvyn Cullimore

Robert Dahle

Sam Granato

Larry Johnson

Ben McAdams

SPRING CREEK. The area includes all spaces within one hundred feet of the center of Spring Creek between Wallace Ln. and Holladay Blvd. Spring Creek is located just south of Kentucky Ave. on the east side of the city.

Christopher Pengra

JoAnn Seghini

BIG COTTONWOOD CREEK and CREEKSIDE PARK. This includes any area within one hundred feet of the center of Big Cottonwood Creek, as well as all areas within the borders of Creekside Park (Frisbee Park).

Richard Snelgrove

Legal fireworks may be allowed outside of the banned areas, but the Unified Fire Authority still prefers that people leave the firework displays to the professionals.

Roy Tingey

Troy Walker

Marty Slack, Assistant Chief
UFA Chief to The City of Holladay

Brad Larson, Fire Marshal
Unified Fire Authority

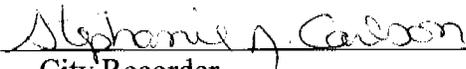


Firework Restrictions Holladay


3380 South 900 West
Salt Lake City, UT 84119
801-745-7100

CERTIFICATE OF PUBLICATION

I hereby certify that Ordinance 2014-07 was passed on the 5th day of June, 2014 and this Ordinance, or a summary hereof, was published in the Salt Lake Tribune according to law on the 16th day of June 2014.



City Recorder

CITY OF HOLLADAY PUBLIC NOTICE OF ORDINANCE ADOPTION

Notice is hereby given that on the 5th day of June, 2014 the Holladay City Council adopted Ordinance 2014-07.

Ordinance 2014-07 adopts restrictions on the use of fireworks within certain area of the City of Holladay.

The complete ordinance is available now for public inspection during normal working hours from 8:00 a.m. to 5:00 p.m. Monday through Friday in the office of the City Recorder located at 4580 S 2300 E, Holladay, UT and on city website at www.cityofholladay.com

Dated this 16th day of June, 2014.

BY ORDER OF THE HOLLADAY CITY COUNCIL

Stephanie N. Carlson, MMC
Holladay City Recorder