

## **ORDINANCE NO. 2014-28**

**AN ORDINANCE OF PLEASANT GROVE CITY, UTAH COUNTY, UTAH AMENDING TITLE 4 SECTION 7 SUBSECTION 2 ADOPTING CERTAIN RESTRICTIONS ON THE USE OF FIREWORKS WITHIN CERTAIN AREAS OF THE MUNICIPALITY ON THE EAST SIDE OF TOWN IN THE WILDLAND URBAN INTERFACE AREA AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the legislative body has previously adopted ordinances intended to regulate fireworks within the City according to state law; and

**WHEREAS**, the Fire Chief, as the local fire code, official has determined that the hillside area on the east bench of the city is an environmentally hazardous area that needs extra protection against fires that could be caused by ignition sources including fireworks; and

**WHEREAS**, weather conditions have created an extreme fire danger during the time that fireworks are permitted to be discharged; and

**WHEREAS**, the legislative body finds that due to the extreme fire danger and the location of the brush covered, wildland urban interface area within the city boundaries that a hazardous environmental condition exists; and

**WHEREAS**, the Utah State legislature has granted municipalities the authority to regulate ignition sources including fireworks in areas where hazardous environmental conditions exist; and

**WHEREAS** the 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:**

**SECTION 1.** Title 4 Chapter 7 Subsection 2 shall be amended to read:

### **4-7-2: ~~AERIAL FIREWORKS RESTRICTED~~**

~~It shall be unlawful to ignite fireworks, known as aerial devices (i.e. multiple shot, cake fireworks), as defined in R710-2 of the Municipal Fireworks Act, east of the Murdock Canal from the south boundary of Pleasant Grove City to 1100 North and east of 100 East from 1100 North to the north boundary of Pleasant Grove City. These defined areas represent the neighborhoods of Battle Creek, Grove Creek, Big Spring and a small portion of Manila.~~

## **Sale, Discharge and Possession of Certain Fireworks Restricted.**

**Definitions.** 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.

a. It is unlawful and for any person to sell or offer for retail sale, 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. Sections 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 within 30 feet of any residence, dwelling, or structure.

c. Due to unusual extreme hazardous fire conditions in certain portions of the municipality, the discharge of any and all fireworks including class C common fireworks is prohibited in the area of the municipality described as follows: the hillside area east of the Murdock Canal from the south boundary of Pleasant Grove to 1100 North and east of 100 East from 1100 North to the north boundary of Pleasant Grove which is shown generally on the attached map.

### **4-7-3. 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.

Violation of this section shall be a Class B Misdemeanor.

**Section 2.** SEVERABILITY. The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any of the remaining sections, paragraphs, sentences, clauses or phases of this Ordinance.

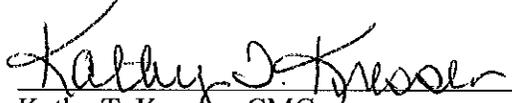
**Section 3.** EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and posting as provided by law.

**Section 4.** APPROVED AND ADOPTED by the City Council of Pleasant Grove City, Utah County, Utah, this 1<sup>st</sup> day of July 2014.



Michael W. Daniels, Mayor

ATTEST:



Kathy T. Kresser, CMC  
City Recorder



**ROLL CALL**

VOTING	YES	NO
Mayor Mike Daniels (votes only in case of tie)		
Dianna Andersen (Council Member)	✓	
Cindy Boyd (Council Member)	✓	
Cyd LeMone (Council Member)	✓	
Jay Meacham (Council Member)	✓	
Ben Stanley (Council Member)	✓	

Date Approved: July 1, 2014

Motion by: Jay Meacham

Seconded by: Ben Stanley

**CERTIFICATE OF POSTING ORDINANCE  
Pleasant Grove City Corporation**

I, the duly appointed recorder for the City of Pleasant Grove, hereby certify that copies of the foregoing Ordinance No. 2014-28 was posted in the Daily Herald Newspaper on this 6<sup>th</sup> day of July, 2014.

Dated this 1<sup>st</sup> day of July, 2014.

Kathy T. Kresser  
Kathy T. Kresser, CMC  
City Recorder



# Pleasant Grove Fireworks Restricted Area

Approved 2014

-  Restrictions Inside Pleasant Grove
-  Restrictions Outside Pleasant Grove

**Note:** ALL fireworks devices are illegal within the designated area, including the street right of way along the boundary of the restricted area. Violation is a class B misdemeanor which may result in up to a \$1,000 fine.

Please contact Cedar Hills for specific fireworks restrictions.

Please contact Utah County for specific fireworks restrictions.

