



## ORDINANCE 2021-20

### **AN ORDINANCE ADOPTING CITY-WIDE FIRE WORKS AND OPEN FIRE RESTRICTIONS FOR 2021**

**WHEREAS**, Midway City, Wasatch County, Utah desires to adopt firework and open fire restrictions for 2021 as set forth in the County-wide fire restriction adopted by the Wasatch County Fire District,

**NOW, THEREFORE**, it is hereby resolved by the City Council of Midway City, Wasatch County, Utah, that Midway City, for the jurisdictional boundaries of the City, hereby adopts those certain and specific fire work and open fire restrictions and declarations for 2021, as set forth in the County wide fire restriction adopted by the Wasatch County Fire District, and hereby approves the same. Said District restriction is attached as *Exhibit A*, and incorporated herein by reference, and shall be posted on the Midway City Website. Attached as *Exhibit B*, is Governor Spencer Cox's 2021 Drought Executive Order, and declarations.

Midway City's restrictions shall include any and all incendiaries, including but not be limited to aerial and non-aerial fireworks and incendiaries, i.e., sparklers, firebombs, spinners, etc.

The penalty and sanction for any violation of this Ordinance may carry a class B misdemeanor charge, with a fine of up to \$1,000.00 per incident, plus surcharge and restitution, and six months in jail.

All vendors of fireworks shall be required to display a copy of this Ordinance with Exhibits and a map of the City-wide restriction, as designated by the City, in a prominent place at point of sale.

The duration of this restriction shall be until September 30, 2021, unless otherwise modified by the City Council.

Any licensing fees already paid by fireworks vendors for the 2021 Season, shall be refunded upon written request.

If any one or more provisions of this Ordinance shall be held by any court to be invalid or unenforceable such invalidity or unenforceability shall not affect the validity of enforceability of any other portion of this Ordinance.

This Ordinance shall take effect upon publication as required by law.

**PASSED AND ADOPTED** by the City Council of Midway City, Wasatch County, Utah  
this                    day of                    , 20                    .

	AYE	NAY
Council Member Steve Dougherty	_____	_____
Council Member Jeff Drury	_____	_____
Council Member Lisa Orme	_____	_____
Council Member Kevin Payne	_____	_____
Council Member JC Simonsen	_____	_____

APPROVED:

\_\_\_\_\_  
Celeste Johnson, Mayor

ATTEST:

\_\_\_\_\_  
Brad Wilson, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Corbin Gordon, City Attorney

(SEAL)

**Exhibit A**

DRAFT

# WASATCH FIRE DISTRICT

10420 N. Jordanelle Blvd. Heber City, UT 84032  
435-940-9636

## **FULL FIRE RESTRICTIONS**

With the legal date of discharge of fireworks approaching, Wasatch Fire reiterates the hazardous situation we find ourselves in with the prolonged drought coupled with the elevated temperatures. Wasatch Fire, in light of the conditions that exist, and the need to mitigate potential catastrophic fires has implemented a **FULL FIRE RESTRICTION** throughout Wasatch County and included municipalities. These restrictions include all restrictions imposed by the **State of Utah under the Stage 2 Fire Restrictions**.

**The penalty and sanction for any violation of this Resolution may carry a class B misdemeanor charge, with a fine of up to \$1,000.00 per incident, plus surcharge and restitution, and six months in jail.**

## **RESTRICTED ACTIVITIES** **NO ALLOWABLE AREAS FOR 2021**

- 1. Building, maintaining, attending, or using any fire, campfire, or stove fire\*.** This includes charcoal grills and barbecues, coal and wood burning stoves and tent stoves and includes use at homes and in developed camping and picnic grounds.
- 2. Smoking, except within an enclosed vehicle, trailer or building, a developed recreation site or while stopped in an area that is paved or free from dry vegetation.**
- 3. Discharging or using any fireworks, tracer ammunition or other pyrotechnic devices including exploding targets.**
- 4. Cutting, welding, or grinding metal in areas of dry vegetation.**
- 5. Operating a motorcycle, chainsaw, ATV, or other small internal combustion engine without an approved and working spark arrestor.**

\*Devices using pellets, pressurized liquid or gas (stoves, grills or lanterns) that include shutoff valves are permitted when used in an area at least three feet or more from flammable material such as grasses or pine needles.

**Exhibit B**

DRAFT



SPENCER J. COX  
Governor

DEIDRE M. HENDERSON  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

BRIAN C. STEED  
Executive Director

### Division of Forestry, Fire and State Lands

JAMIE BARNES  
Interim Director

ORDER # NECLO2106

## Fire Restriction Order (Stage 2)

Due to current and forecasted weather conditions coupled with the extremely dry vegetation conditions in Wasatch County, the State Forester, in consultation with the county commission, has determined that measures must be taken to prevent the ignition of forest and rangeland fires. Therefore, pursuant to Utah State Law, Section 65A-8-212, the following acts are prohibited in the areas described below until rescinded by the Utah State Forester:

1. Building, maintaining, attending or using any fire, campfire, or stove fire\*. This includes charcoal grills and barbecues, coal and wood burning stoves and tent stoves and includes use at homes and in developed camping and picnic grounds.
2. Smoking, except within an enclosed vehicle, trailer or building, a developed recreation site or while stopped in an area that is paved or free from dry vegetation.
3. Discharging or using any fireworks, tracer ammunition or other pyrotechnic devices including exploding targets.
4. Cutting, welding or grinding metal in areas of dry vegetation.
5. Operating a motorcycle, chainsaw, ATV, or other small internal combustion engine without an approved and working spark arrestor.

**Area Description:** All unincorporated private and all state lands within Wasatch County.

The following persons are exempted from the above prohibitions:

1. \*Devices using pellets, pressurized liquid or gas (stoves, grills or lanterns) that include shut-off valves are permitted when used in an area at least three feet or more from flammable material such as grasses or pine needles.
2. Persons with a permit or waiver issued by the Division, specifically authorizing a specified act at a specific location. A waiver does not relieve the permittee of liability if a fire does occur.
3. Any on-duty firefighter in the performance of an official duty.

Any of the above acts is a violation of state law and is punishable by up to 6 months in jail and a fine of up to \$1,000. These restrictions will be enforced by county law enforcement.

**Effective Date:** 12:01 p.m., 16th day of June, 2021

Brett Ostler

Brett Ostler (Jun 16, 2021 11:14 MDT)

Brett Ostler, State Fire Management Officer

Jamie Barnes

Jamie Barnes (Jun 17, 2021 11:09 MDT)

Jamie Barnes, Interim Director

Gerry Gray

Gerry Gray (Jun 17, 2021 10:19 MDT)

Gerry Gray, Acting State Forester





# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
West Desert District Office  
2370 South Decker Lake Blvd.  
West Valley City, Utah 84119  
<https://www.blm.gov/utah>



In Reply Refer To:  
9212 (UTW002)

## **FIRE PREVENTION ORDER ORDER NUMBER UTW002-2021-02**

Under authority of the Federal Land Policy and Management Act of 1976 (Title 43, United States Code, Section 1701, et. seq.) and pursuant to Title 43, Code of Federal Regulations (CFR) § 9212.2(a), the following restrictions are in effect for lands managed by the Bureau of Land Management (BLM), West Desert District – Salt Lake Field Office within the counties of Cache, Morgan, Rich, Salt Lake, Summit, Tooele, Utah, Wasatch, and Weber. (See Attached Map)

It is the policy of the BLM to take all necessary actions to protect human life, the public lands, and the resources and improvements thereon through the prevention of wildfires. Wherever possible, the BLM's actions will complement and support State and local wildfire prevention actions. 43 U.S.C. § 9212.0-6. The BLM – West Desert District is increasing restrictions to include the following prohibited acts (This order incorporates Fire Prevention Orders already in place).

**Under Title 43 CFR § 9212.1, Prohibited Acts: Unless permitted in writing by the Authorized Officer, it is prohibited to perform any act restricted by this Fire Prevention Order on the above described public lands.**

### **Prohibited Acts (until rescinded):**

1. Use of any steel core, jacketed, and tipped ammunition of any caliber.
2. Campfires except within agency provided fire grates at developed campgrounds, or within fully enclosed stoves, grills, or in stoves using pressurized liquid or gas.
3. Smoking cigarettes, except within an enclosed vehicle, building, developed recreation site or while stopped in a cleared area of at least three feet in diameter that is barren and cleared of all flammable material.
4. Grinding, cutting, and welding of metal.
5. Operating a chainsaw, or other internal combustion engine without a properly installed USDA or Society of Automotive Engineers (SAE) approved spark arresting device, a five-pound fire extinguisher and a shovel.
6. Use of any tracer or incendiary ammunition of any caliber.
7. Possession or use of any kind of explosives, incendiary or chemical devices, pyrotechnics or fireworks, or exploding targets.
8. Use of any Sky Lanterns, Chinese Lanterns, Fire Balloons, Acetylene Balloons or similar device.
9. Use of any Off Road Vehicle (ORV) that is **not** equipped with a properly installed and maintained spark arrester. Spark arresters shall meet the 80 percent efficiency level standard when determined by the appropriate SAE recommended practices J335 and J350. (Title 43 CFR § 8343.1).

### **Permissible Acts:**

1. Devices fuels by petroleum or liquid petroleum gas in all locations.
2. Campfire in permanent constructed cement or metal fire pits provided in agency developed campgrounds and picnic areas.

**Exemptions** (Pursuant to Title 43 CFR § 9212.2), the following persons are exempt from this order:

1. All exemptions to the restriction are obtained through local permits issued by the authorized office for activities that will not conflict with the purpose of the order (Title 43 CFR § 9212.3).
2. Any federal, state, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.
3. The general public using “Class C common state approved” fireworks on July 4 along the access road to the Bonneville Salt Flats Special Recreation Management Area. “Class C common state approved” fireworks are fireworks that are purchased at a retail store in the State of Utah for use by a consumer in Utah.

### **Penalties:**

Pursuant to Title 43 § 9212.0-5, 9212.1 and 9212.4, any person who knowingly and willfully violates the regulations at § 9212.1 of this title shall, upon conviction, be subject to a fine of not more than \$1,000 or to imprisonment of not more than twelve (12) months, or both. Restitution for total fire suppression or damage costs incurred will be borne by the violator.

**This order shall go into effect at 00:01 on June 18, 2021 and will remain in force until rescinded.**

MICHAEL GATES  
Digitally signed by MICHAEL GATES  
Date: 2021.06.16 14:21:11 -0600

Michael Gates  
District Manager, West Desert District Office  
USDI Bureau of Land Management