

**PLYMOUTH TOWN**

**ORDINANCE 2014- 02**

**AN ORDINANCE ADOPTING RESTRICTIONS ON THE USE OF FIREWORKS  
WITHIN THE LIMITS OF PLYMOUTH TOWN.**

**WHEREAS**, the Utah legislature has set forth regulations for the discharge of class C common Utah state approved explosives and prohibited certain classification of fireworks (see U.C.A. §§ 53-7-225 and 53-7-202); and

**WHEREAS**, the Town Council of Plymouth has determined that during certain times of the year and during certain events the discharge of fireworks can create dangerous situations and cause injury; and

**WHEREAS**, the Town Fire Marshall has deemed there may be a high risk of fire during certain time of the year when fireworks are allowed to be discharged, and

**WHEREAS**, the Town Council of Plymouth finds it in the citizen's and town's best interest to adopt the following restrictions,

**NOW, THEREFORE BE IT ORDAINED**, the Town Council of Plymouth hereby adopts the following Ordinance adopting restrictions on the use of Fireworks within the limits of Plymouth Town, to be implemented and read 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, or to discharge, or to have in their possession any firework in this municipality, other than class C common Utah state approved explosives used in accordance with Utah Code Ann. §§53-7-220 through 225, except as further set forth below or permitted by law.
  - b. It shall be unlawful for any person to discharge any firework for two full days of the annual Plymouth July Rodeo Celebration, except hand held sparklers or other fireworks that do not leave the ground greater than 10' or create a concussive effect or loud noise.
  - c. It shall be unlawful for any person to discharge any firework within twenty-five (25) feet of any residence, dwelling, or structure.
  - d. It shall be unlawful for any person to discharge any class C common Utah state approved firework, or any other incendiary device when the Town Fire Marshall posts notice of extreme fire conditions on the town public notice boards.

Fire Marshall posts notice of extreme fire conditions on the town public notice boards.

**3. Enforcement.**

a. Every officer charged with enforcement of State or municipal laws, including the Fire Marshall, 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.

**4. Punishment.** Violation of this Ordinance shall be a class B misdemeanor punishable by fine or imprisonment, or both, as set forth in Utah law.

**5. Conflicting Ordinances.** This Ordinance shall supersede any and all conflicting ordinance previously adopted by the Town Council.

**6. Effective Dates.** This Ordinance shall become effective upon approval and passage.

PASSED AND ADOPTED this 26<sup>th</sup> day of June, 2014.

Council Members Voting "Yes"

*Wendy B. King*  
*Sue Steed*  
*Wesley Udys*  
*M. Kay*

Council Members Voting "No"

*Curtis D. Murray*  
Curtis Murray, Mayor

ATTEST:

*[Signature]*  
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Plymouth Town Clerk

Publication or Posting Date: 6/12/14