

ORDINANCE NO. 16-4

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

WHEREAS, in 2011 the Utah legislature modified the state law by amending the types of fireworks which 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 time 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 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, or to discharge, or to have in their possession any fireworks in this municipality, other than class C common and aerial "cake". 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 20 feet of any residence, dwelling, or structure.

c. Due to unusual extreme hazardous fire conditions in certain portions of the municipality, the use of aerial fireworks, which are defined in R710-2 as a cake that is a collection of mine/shell tubes that has a single fuse which is used to light several tubes in sequence. A cake may also be defined as an aerial repeater or multi-shot aerial and are prohibited in the area of the municipality described as follows:

-The Denver and Rio Grande Trail – Roy Segment

-Bamberger Tracks

-Layton Canal and Property Maintained by Weber Basin Water including the Water Reservoir located at approximately 5200 South 3750 West

-Property at 4800 South Midland Drive to approximately 5000 South Midland Drive East to 3500 West from 4800 South to 5000 South

-Property Owned by the Ogden City Airport

-Riverdale Rd, North to 4400 South, along 1750 west, Airport RD and 1600 West

3. Enforcement.

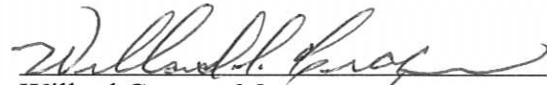
a. Every officer charged with enforcement of State and municipal laws including the Fire Marshal is hereby charged with the responsibility to enforce this ordinance.

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.

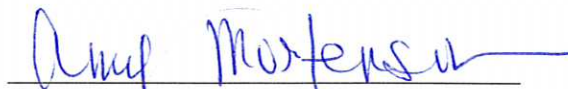
4. Punishment. Violation of this ordinance shall be a class B misdemeanor punishable by both fine and imprisonment as set forth in Utah law.

5. Effective Date. This ordinance shall take effect immediately upon passing.

PASSED AND DATED this 21st day of June, 2016.


Willard Cragun, Mayor

Attest:


Amy Mortenson, Recorder

	AYE	NAY	ABSTAIN	ABSENT
Councilmember Becraft	<u> X </u>	_____	_____	_____
Councilmember Dandoy	<u> X </u>	_____	_____	_____
Councilmember Hilton	<u> X </u>	_____	_____	_____
Councilmember Tafoya	<u> X </u>	_____	_____	_____
Councilmember Yeoman	<u> X </u>	_____	_____	_____