ORDINANCE NO. 2020-06-001

AN ORDINANCE AMENDING/ENACTING TITLE 5 CHAPTER 3 SECTION 7 AND ADOPTION OF PROHIBITED USE OF IGNITION SOURCES/FIREWORKS MAP

WHEREAS, the City has legal authority, pursuant to Title 3, Chapter 8, Section 47, Utah Code Annotated, as amended, Title 53, Chapter 7, Part 2, Utah Code Annotated, as amended ("Utah Fire Prevention and Safety Act" or "Act"), and Title 15A, Chapter 5, section 202.5, to prohibit the ignition or use of any ignition source, including fireworks, lighters, matches, sky lanterns, and smoking materials in certain areas of the City when hazardous environmental conditions exist; and

WHEREAS, the City Fire Chief has determined that hazardous environmental conditions exist in certain parts of the city as shown on the attached map that necessitate controlling the use of fireworks and ignition sources due to the extremely dry conditions and the presence of dry weeds and other vegetation which has greatly enhanced the danger of fire and creating a high risk of fire in certain areas of the City; and

WHEREAS, the aforementioned hazardous conditions are expected to remain from now through the month of September, which includes those dates when the discharge and ignition of fireworks is allowed under Utah law; and

WHEREAS, the City Council, upon recommendation and information provided by the City Fire Chief has determined that it is in the best interest of the health, safety, and welfare of the citizens of the City to prohibit the ignition or use of fireworks or other ignition sources, including lighters, matches, sky lanterns, and smoking materials in areas of the City shown on the map.

WHEREAS, the City Council has also determined that changes to the ordinances are in the best interest of the health, safety, and welfare of the citizens of the City of St. George and are justified at this time.

NOW, THEREFORE, BE IT ORDAINED, by the St. George City Council, as follows:

Section 1. Repealer. Title 5 Chapter 3 Section 7 is repealed. Any provision of the St. George City Code found to be in conflict with this ordinance is hereby repealed.

Section 2. Amended/Enactment. Title 5 Chapter 3 Section 7 is amended/enacted to read as follows and the PROHIBITED USE OF IGNITION SOURCES/FIREWORKS MAP adopted:

5-3-7:

FIREWORKS AND OTHER IGNITION SOURCE RESTRICTIONS:

A. *Definition:* All terms relating to fireworks used in this section shall have the same meaning as they are defined in Utah Code Annotated section 53-7-202 of the Utah Fire Prevention Act.

B. *Prohibition Of The Use Of Fireworks:*

1. No person may detonate, ignite, or in any way use class C common state approved

explosives in any portion of the city designated by the fire chief and city council as a restricted area due to hazardous environmental conditions in accordance with Utah Code Annotated section 15A-5-202.5(1)(b). All restricted areas are shown on the Prohibited Use of Ignition Sources/Fireworks Map, which map is made a part of this section by this reference. Each year the city council shall approve the Prohibited Use of Ignition Sources/Fireworks Map in accordance with Utah Code Annotated section 15A-5-202.5(1)(b).

2. No person may negligently discharge a class C common state approved explosive. Negligent discharge has the same meaning as used in Utah Code Annotated section 73-7-225.

C. *Prohibition Of The Use Of Ignition Sources:*

1. No person may detonate, ignite, or in any way use any ignition source, including fireworks, lighters, matches, sky lanterns, and smoking materials, in any portion of the city designated by the fire chief and city council as a restricted area due to hazardous environmental conditions in accordance with Utah Code Annotated section 15A-5-202.5(1)(b). These areas include any brush-covered, forest-covered, and dry grass-covered areas; within two hundred feet (200') of waterways, trails, canyons, washes, ravines, or similar areas; and the wildland urban interface areas of the city when it is determined by the fire chief that there exists a hazardous environmental condition which necessitates restricting the use of any ignition source in those areas. All restricted areas are shown on the Prohibited Use of Ignition Sources/Fireworks Map, which map is made a part of this section by this reference. Each year the city council shall approve the Prohibited Use of Ignition Sources/Fireworks Map in accordance with Utah Code Annotated section 15A-5-202.5(1)(b).

2. The fire chief is hereby authorized to designate other areas of the city as restricted. The fire chief shall cause the dates of restriction and the specific restricted areas to be posted on the city website when he declares an area to be restricted.

E. *Enforcement:* Enforcement shall be pursuant to Utah Code Annotated Title 53, Chapter 7, Utah Code Annotated Title 15A, Chapter 5, section 202.5(1)(b), and the International Fire Code.

F. *Punishment:*

1. A violation of section B shall be prosecuted under Utah Code Annotated section 53-7-225.

2. A violation of section C shall be a Class B misdemeanor.

PROHIBITED USE OF IGNITION SOURCES/FIREWORKS MAP is attached as a separate document.

Section 3. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.
Section 4. Effective Date. This Ordinance shall take effect immediately upon posting in the manner required by law.

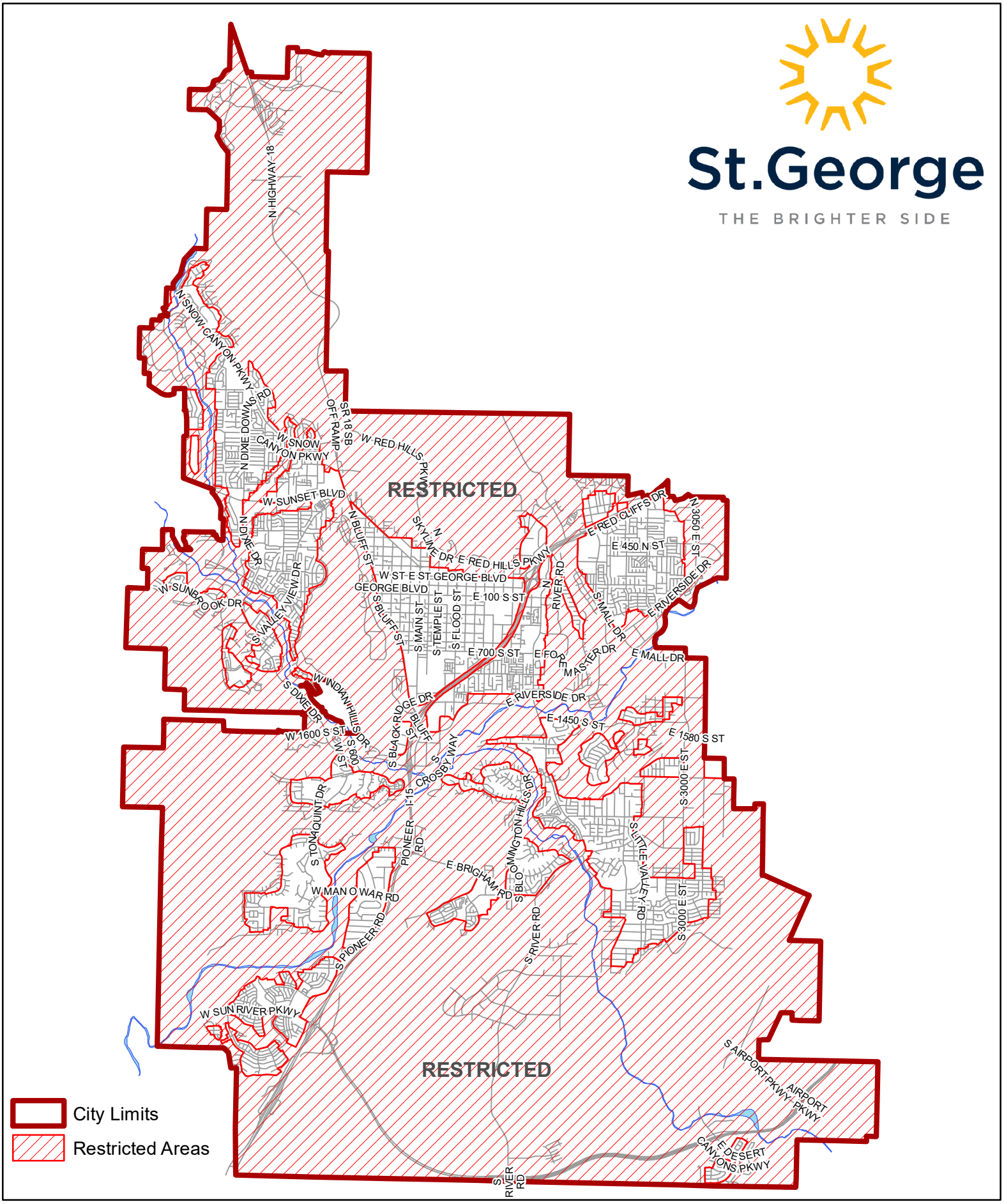
APPROVED AND ADOPTED by the City Council of the City of St. George, this 4th day of June, 2020.

Jonathan T. Pike, Mayor

CITY OF ST. GEORGE SEAL UTAH

ATTEST:

Christina Fernandez, City Recorder



Restricted Fireworks Areas 2020

For more information or to use the interactive map, visit www.sgcity.org

CERTIFICATION OF CITY OF ST. GEORGE
ORDINANCE NO. 2020-06-001

Pursuant to Utah Code §10-3-713, I hereby certify that on the 4th day of June, 2020, the St. George City Council passed Ordinance No. 2020-06-001 and that said ordinance was posted at the St. George City Offices, 175 E. 200 N., the St. George CIty Commons Building, 220 N. 200 E., and the Washington County Administrative Offices, 197 E. Tabernacle on June 8, 2020.

Christina Fernandez
St. George City Recorder

CITY OF ST. GEORGE SEAL
UTAH