

**ORDINANCE NO. 19-7**

**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 regulation 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. 30 feet for aerials.

c. It is unlawful for any person to discharge any type of consumer firework within any city park.

d. 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.

e. Per R7710-2-7 of the Utah Fireworks Act. Aerial users shall be aware of the dangers and follow the posted warning where the aerials were purchased. Wherever aerial devices are

sold, there shall be signage with a minimum font of one inch, to warn and inform the customer of the dangers of aerial devices and the signage shall state the following:

- (a) aerial fireworks are designed to travel up to 150 feet into the air and then explode;
- (b) aerial fireworks shall be placed on a hard level surface outdoors, in a clear and open area prior to ignition;
- (c) anyone under the age of 16 shall not handle or operate aerial fireworks;
- (d) ignition of aerial fireworks shall be a minimum of 30 feet from any structure or vertical obstruction;
- (e) aerial fireworks shall not be ignited within 150 feet of the point of sale; and
- (f) please read and obey all safe handling instructions before using aerial fireworks.

Aerials are prohibited in the area of the municipality described as follows: See Map for details.

-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. Sky Lanterns.**

a. Sky Lanterns or other uncontrolled ignition sources are prohibited by IFC 2015 Section 308 Open Flames and Utah Title Code 15A.

### **4. 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.

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

**6. Effective Date.** This ordinance shall take effect immediately upon passing.

PASSED AND DATED this 4<sup>th</sup> day of June, 2019.

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Robert Dandoy, Mayor

Attest:

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Morgan Langholf, Recorder

	AYE	NAY	ABSTAIN	ABSENT
Councilmember Burrell	_____	_____	_____	_____
Councilmember Paul	_____	_____	_____	_____
Councilmember Saxton	_____	_____	_____	_____
Councilmember Tafoya	_____	_____	_____	_____
Councilmember Yeoman	_____	_____	_____	_____