# ORDINANCE NO. 21-08

## AN ORDINANCE ADOPTING CERTAIN RESTRICTIONS ON THE USE OF FIREWORKS WITHIN CERTAIN AREAS OF TREMONTON CITY

**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,** pursuant to Utah Code Annotated 53-7-202.5(1)(b) upon recommendation of the local fire official, the Tremonton City Council is authorized to enact prohibitions on the use of fireworks when hazardous environment conditions necessitate controlled use; and

**WHEREAS,** the Tremonton City Fire Chief, as the local fire official, has recommended prohibition of firework use in certain geographic areas within the Tremonton City corporate limits; and

**WHEREAS,** the City Council finds it is in the best interest of the City and the general health, safety, and welfare of the public that this ordinance should be passed.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF TREMONTON CITY 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 and 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 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 discharge of any and all fireworks, including class C common fireworks, is prohibited in the area of the municipality described as follows:

**Prohibited Area No. 1:** All land that is within Tremonton City limits that is north of the Highline Canal; west of 2300 West and east of Interstate 84, which is shown generally on the attached map contained in Exhibit A.

**Prohibited Area No. 2:** All land that is within one hundred (100') feet of the Sensitive Area Zoning District, which is shown generally known as the Malad River Bottoms, as on the attached map contained in Exhibit A.

**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 is Utah law.

**5. Conflicting Ordinances.** This ordinance shall supersede any conflicting ordinance previously adopted by the City Council until this ordinance sunsets on December 31, 2021.

**6. Effective Dates.** This ordinance shall become effective on June 15, 2021, and the ordinance shall sunset on December 31, 2021.

PASSED AND DATED this 15th day of June 2021.

TREMONTON CITY, a Utah Municipal Corporation

Roger Fridal, Mayor

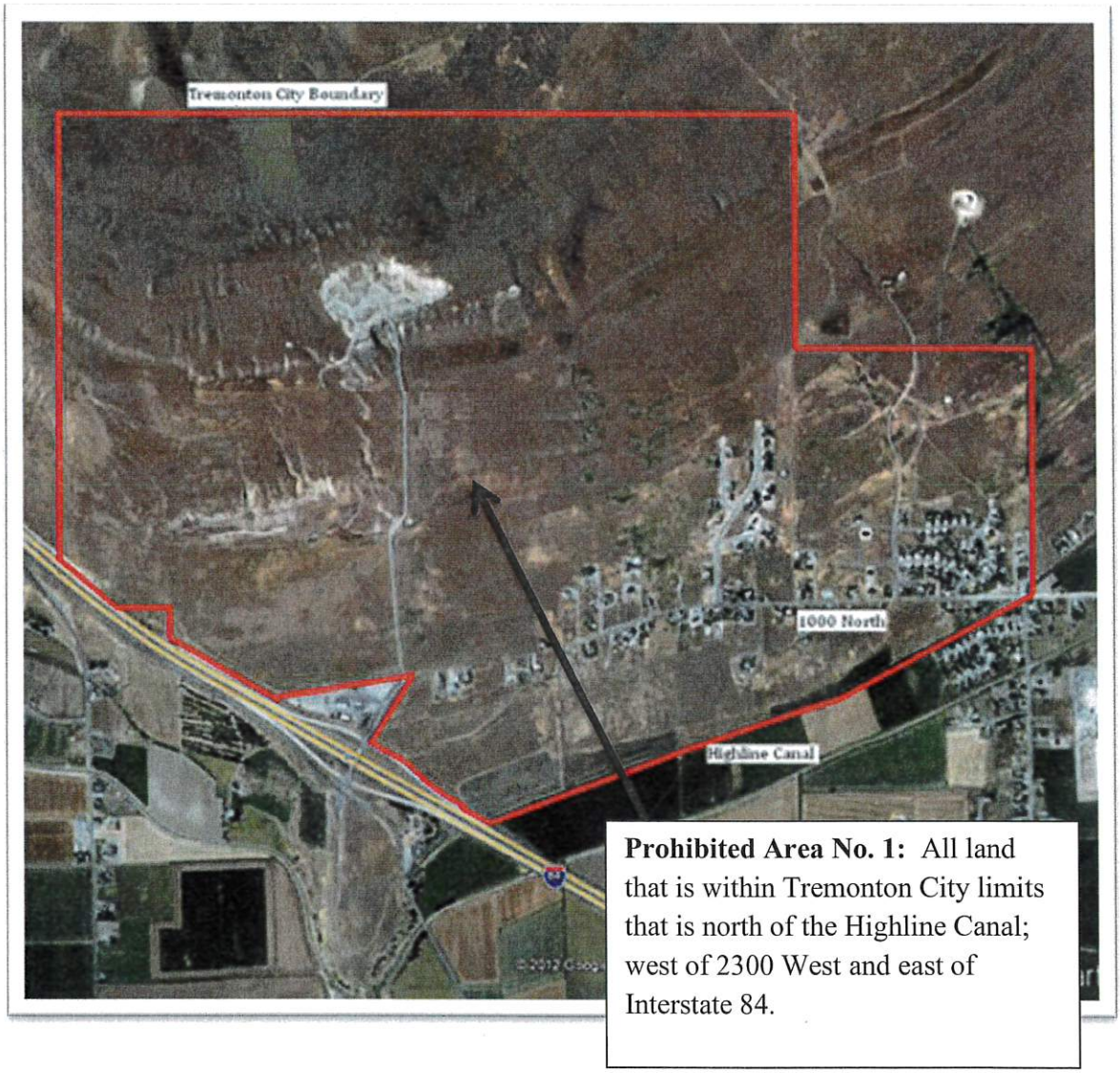
ATTEST:

Linsey Nessen, City Recorder

Publication or Posting Date: June 17, 2021

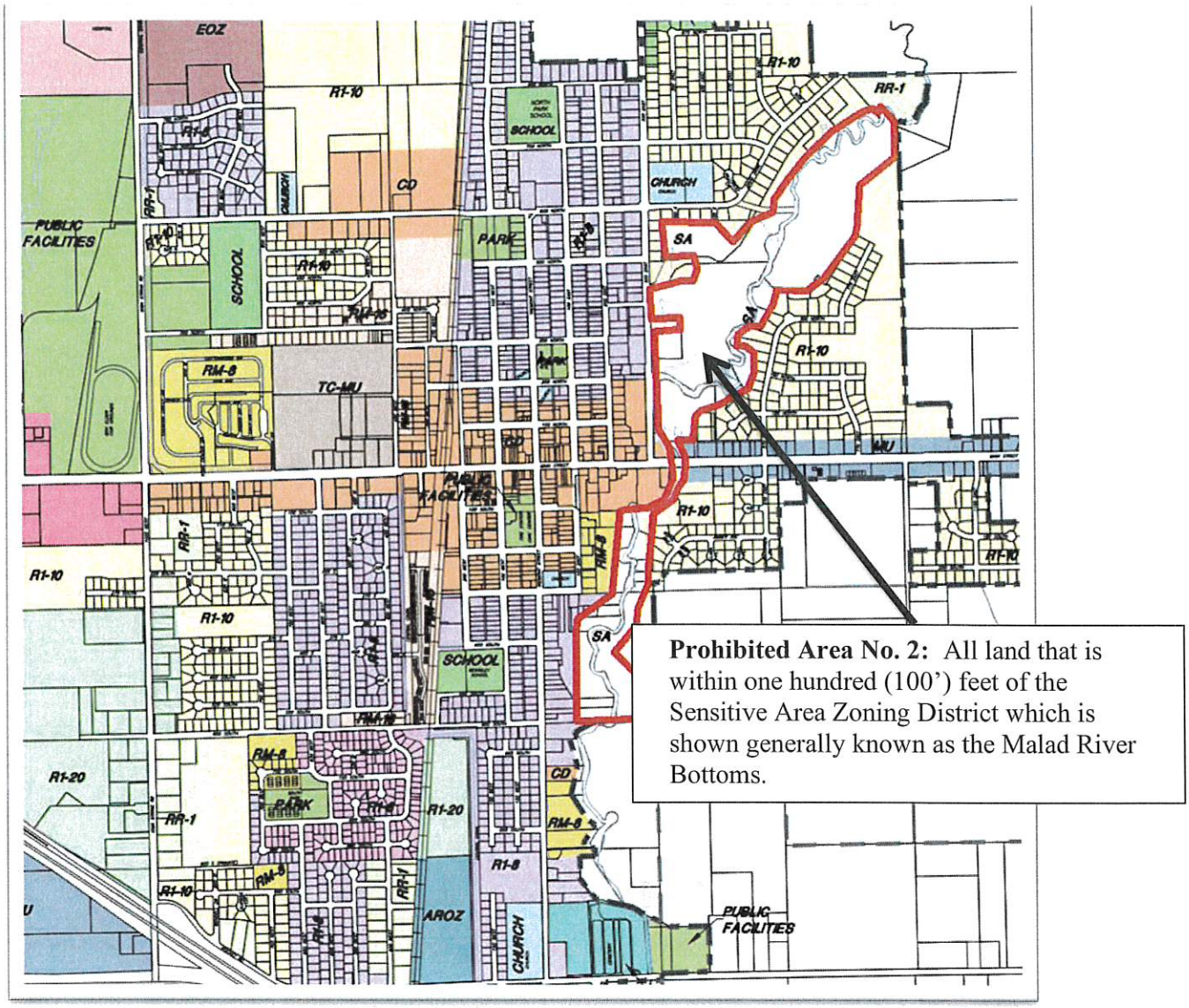
## EXHIBIT A

**Prohibited Area No. 1**:




**Prohibited Area No. 1:** All land that is within Tremonton City limits that is north of the Highline Canal; west of 2300 West and east of Interstate 84.

**Prohibited Area No. 2:**



STATE OF UTAH )

: ss.

County of Box Elder )

I, LINSEY NESSEN, the City Recorder of Tremonton, Utah, do hereby certify that the above and foregoing is a full and correct copy of Ordinance No. 21-08, entitled **"AN ORDINANCE ADOPTING CERTAIN RESTRICTIONS ON THE USE OF FIREWORKS WITHIN CERTAIN AREAS OF TREMONTON CITY"** adopted and passed by the City Council of Tremonton, Utah, at a regular meeting thereof on the 15th day of June 2021, which appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this 17 day of June, 2021.

TREMONTON CITY CORPORATE SEAL
1903
TREMONTON
CITY
STATE OF UTAH

Linsey Nessen, City Recorder