

ORDINANCE NO. 15-19

AN ORDINANCE OF SOUTH OGDEN CITY ADOPTING CERTAIN RESTRICTIONS ON THE USE OF FIREWORKS WITHIN CERTAIN AREAS OF THE CITY; RATIFYING THE DESIGNATION OF THE CITY'S FIRE OFFICIAL; PROVIDING FOR FUTURE IMPLEMENTATION OF FIREWORKS LIMITATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council finds that South Ogden City ("City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and,

WHEREAS, the City Council finds that in conformance with UCA §10-3-717, and UCA §10-3-701, the governing body of the city may exercise all administrative and legislative powers by resolution or ordinance; and,

WHEREAS, the City Council finds that 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, the City Council finds that in 2012 State law changed the dates allowed for the lawful discharge of fireworks; and

WHEREAS, the City Council finds there is and may be a high risk of fire when fireworks may be discharged; and

WHEREAS, the City Council finds that local fire officials are authorized to enforce the state fire code, under Utah Code Annotated §53-7-104; and

WHEREAS, the City Council finds that local fire officials may prohibit the use of fireworks and other ignition sources when hazardous environmental conditions necessitate controlled use, under Utah Code Annotated §15A-5-202(3)(b) which amends the 2009 International Fire Code; and

WHEREAS, the City Council finds it has appointed a Local Fire Official as described by Utah Code Annotated §53-7-104 and §15A-5-102(2)(c), with such appointment ratified and denominated as the City Fire Marshal; and

WHEREAS, the City Council finds that the Governor of the State of Utah has, from time to time, recommended that cities and towns consider a ban on fireworks due to high fire danger; and

WHEREAS, the City Council finds that similar conditions creating high fire danger may exist again requiring City response; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF SOUTH OGDEN 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 Utah state approved explosives used in accordance with, and only on the dates allowed by, Utah Code Ann. §53-7-220 through §53-7-225; the rules adopted pursuant thereto; and this ordinance, except as may 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 unusually extreme hazardous fire conditions that exist within certain portions of the municipality, the discharge of all fireworks including class C common fireworks is prohibited in the areas of the municipality described as follows:

- Within 300 Feet of Any Boundary of the City's Nature Park
- Within 300 Feet Of the Center Line of Birch Creek On Either Side of the Creek
- Any Area within the City Limits East of Harrison Blvd.

Additionally, the discharge of all fireworks including class C common fireworks is prohibited in, upon, or around any of the following areas:

- Urban - Wild land Interfaces
- Open Fields
- Hillsides
- Vacant Lots
- In the Immediate Vicinity of Oak Brush, Pine Trees, Evergreens, Conifers, or Junipers
- Other Areas As May Be Designated by the City's Fire Code Official under Authority Granted by the International Fire Code As Amended by the Utah State Legislature.

d. These restrictions and limitations shall be effective from July 1 through August 31, 2015 unless otherwise extended or terminated by order of the Mayor following consultation with the City Fire Marshal; or, as determined under the authority granted by paragraph 5, below.

3. Enforcement.

a. Every officer charged with enforcement of State and municipal laws including the Fire Marshal is 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. Continuing Authority. By order of the Mayor, following consultation with the City Fire Marshal, and without need for further action by the City Governing Body, the terms, conditions, requirements and limitations of this ordinance may be extended in any future year where the Mayor and Fire Marshal make specific findings that unusual and extreme hazardous fire conditions exist within the municipality.

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

PASSED AND DATED this 21st day of July, 2015.

SOUTH OGDEN, a municipal corporation

by: _____
Mayor James F. Minster

Attested and recorded

Leesa Kapetanov
City Recorder