

PERRY CITY

RESOLUTION NO. 18-08

**A RESOLUTION ADOPTING RESTRICTIONS ON THE USE OF FIREWORKS
WITHIN CERTAIN AREAS OF THE CITY**

WHEREAS, in 2011 the Utah Legislature modified the State law by amending the types of fireworks that may be discharged in Utah; and

WHEREAS, in 2018 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 times when fireworks are allowed to be discharged; and

WHEREAS, the City's Fire Marshall has recommended that fireworks be prohibited in the certain areas of the City which present unique hazards for the ignition of trees and significant challenges in fighting fires; 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 that this Resolution should be passed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL 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, to ignite, 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.* § 53-7-220 through 225; the rules adopted pursuant thereto; and this Resolution, except as otherwise permitted by State law;

b. Due to unusually hazardous fire conditions in certain portions of the municipality, the discharge of any and all fireworks is prohibited within those certain areas of the City more particularly identified on Exhibit "A," attached hereto and incorporate herein by reference.

c. In addition to the above restrictions the City has banned all Aerial Fireworks city-wide.

3. Public Displays. This ordinance and restrictions contained herein do not apply to the City's 4th of July Civic Celebration because of adequate fire prevention preparations.

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 Resolution;

b. Fireworks possessed, sold or offered for sale in violation of this Resolution 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 Resolution shall be a Class B misdemeanor punishable by both fine and imprisonment as set forth in Utah law.

6. Effective Date. This Resolution shall take effect immediately upon passing and shall expire unless extended by an affirmative vote of the City Council at 11:59 p.m. on September 30, 2018.

PASSED AND APPROVED this 28th day of June, 2018.

By: _____
Kevin Jeppsen, Mayor

[SEAL]

VOTING:

Esther Montgomery Yea ____ Nay ____
James Taylor Yea ____ Nay ____
Nathan Tueller Yea ____ Nay ____
Andrew Watkins Yea ____ Nay ____
Toby Wright Yea ____ Nay ____

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ATTEST:

Susan Obray
City Recorder

DEPOSITED in the office of the City Recorder this _____ day of June, 2018.

RECORDED this _____ day of June, 2018.

Exhibit “A”

Areas Restricted for Use of Fireworks