
Document Control Changes: Created 26 June 2012, Revised 16 January 2013 (was CF-024-FB-12), New Format June 2016

**AN ORDINANCE ADOPTING A TOTAL BAN ON THE USE OF FIREWORKS,
FIREARMS, AND FIRE WITHIN THE TOWN LIMITS**

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 Town; and

WHEREAS, in 2012 Utah State law changed the dates allowed for discharge of fireworks; and

WHEREAS, there has been and may be in the future a high risk of fire during some of the time when fireworks are allowed by State Law to be discharged; and

WHEREAS, the Governor of the State of Utah has recommended that cities and towns consider a ban on fireworks when there is high fire danger; and

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

WHEREAS, the Town of Cedar Fort is in a particular situation of being an urban interface with very few locations within the town that do not have adjacent vacant lots or uncultivated areas, and

WHEREAS, the Town AHJ (Town Fire Chief) concurs with the potential serious nature of fire danger threat, and

WHEREAS, the State Interagency Fire group may initiated a statewide fire restriction in all unincorporated areas during high fire danger seasons,

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THIS TOWN 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 (Utah Fire Prevention Act).

2. Discharge and Possession of Fireworks Banned at SPECIFIED times as follows:

- a. The AHJ (Fire Chief) shall consult with the Town Council to determine if a potential high-fire-danger exists.
- b. If the Council concurs with the AHJ, the Council shall issue a public notice.
- c. The full provisions and authority of this ordinance shall then be invoked.
- d. A Public Notice shall be posted in three (3) public places indicating that the ban on fireworks, firearms, and open fires is now in effect. The Notice may indicate a terminating date or may be open-ended. If open-ended,

another notice shall be posted when the fire danger has passed and the ban is lifted.

3. Provisions of the ordinance

It shall be unlawful for any person to:

- a. Discharge any fireworks in this Town at any time a Public Notice is in effect, and until such time as the Public Notice has been lifted.,
- b. Set, build, maintain, attend or use open fire of any kind, except in campfires built within facilities provided for them in permanently improved places of habitation,
- c. Smoke, except within an enclosed vehicle or building, or developed site with three feet of cleared soil,
- d. Discharge tracer ammunition or other pyrotechnic devices.

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.

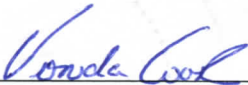
Additionally, anyone who causes a fire due to the use of fireworks, campfire, smoking, tracer ammunition or other pyrotechnic devices within the Town limits will be held financially responsible for any costs associated with fighting the fire.

6. Effective Date


This ordinance shall take effect immediately upon passing. Provisions of the ordinance shall be activated or deactivated by the AHJ and Council upon posting of a Public Notice.

PASSED AND DATED this 28th day of June 2016.

Attest:



Recorder


Mayor

Councilmember Howard Anderson
Councilmember Ellen Cibula
Councilmember Larry Mohler
Councilmember Chris Murphy
Councilman Richard Stark

Voted Yes
Voted Yes
Voted Yes
Voted Yes
Voted Yes

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, VONDA COOK, Town Recorder of Cedar Fort Town, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the Town Council of Cedar Fort Town, Utah, on the 28 day of June 2016, entitled

“FIREWORKS BAN OF THE TOWN OF CEDAR FORT, UTAH”

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Cedar Fort Town Utah this 28 day of June 2016.



VONDA COOK

Cedar Fort Town Recorder

(SEAL)

AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, Vonda Cook, Town Recorder of Cedar Fort Town, Utah, do hereby certify and declare that I posted in three (3) public places the following summary of the ordinance which was passed by the Cedar Fort Town Council on the 28 day of June 2016 and herein referred to as:


“FIREWORKS BAN ORDINANCE OF THE TOWN OF CEDAR FORT, UTAH”

SUMMARY:

The above named ordinance was enacted to define and describe the restrictions, limitations and conditions for banning fireworks and fires in the within the Town of Cedar Fort. This ordinance sets forth the guidelines and authority for placing such restrictions in place. Yearly postings of the ban are based on that year’s fire conditions and are binding per this ordinance

The three places are as follows:

1. Post Office
2. Town Hall
3. Cedar Valley Store



Vonda Cook
Cedar Fort Town Recorder

Date of Posting 29 June 2016