MIDVALE CITY

ORDINANCE NO. 2013-O-06

AN ORDINANCE ADOPTING RESTRICTIONS ON THE USE OF FIREWORKS WITHIN CERTAIN AREAS OF MIDVALE CITY WITH CONDITIONS.

WHEREAS, in 2013 the Utah Legislature modified State regulations regarding the authority of local governments to regulate the sale and discharge of Class “C” fireworks; 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 amendments to the Utah Code in HB289 require additional scrutiny and review by fire officials and legislative bodies regarding fireworks and fire restrictions; and

WHEREAS, the officials of Unified Fire Authority have recommended temporary fireworks discharge restrictions as a result of their evaluation of fire risks and potential property damage; 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 Ordinance should be passed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MIDVALE 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 for any person to sell or offer for retail sale, or to discharge, or to have in their possession any fireworks in Midvale City, 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 Ordinance, except as otherwise permitted by State law; or

   b. It is unlawful for any person to discharge any fireworks generally from 7800 South to approximately 8600 South, east of the Jordan River, to the eastern boundary of the Jordan River Parkway, as depicted on Exhibit “A;” or

   c. In areas as designated by the officials at the Unified Fire Authority;

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 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 and
   publication and shall expire unless extended by an affirmative vote of the City Council at 11:59
   p.m. on August 31, 2013.

   PASSED AND APPROVED this 18th day of June, 2013.

   By:  
   Mayor JoAnn B. Seghini

   VOTING:
   Robert M. Hale    Yea  ABSTAIN
   Paul Glover       Yea  Nay
   Paul Hunt         Yea  Nay
   Wayne Sharp       Yea  Nay
   Colleen Costello  Yea  Nay

   ATTEST:
   Rori L. Andreason, MMC
   City Recorder

   PUBLISHED this 23rd day of June, 2013.
[Attach Exhibit A]