

ORDINANCE #2021- O -3

ORDINANCE ENACTING TITLE 5 ARTICLE C "FIRE RESTRICTIONS" AND MOVING SECTION 5-3B-3 to 5-3C-7.4

WHEREAS, the Council finds that restricting the use of open flames and other ignition sources are necessary to protect the health, safety, and property of the public and the Town;

WHEREAS, the Council finds that it is in the public interest to address fireworks and other ignition sources due to environmental issues, topographical considerations (mountainous terrain, wildland interface, brush covered areas throughout the city), public safety concerns (people, structures, waterways, washes, and property), in the Town of Alta; and

WHEREAS, Utah Code §§ 53-7-225, 15A-5-202.5 authorize a municipality to restrict: the negligent discharge of fireworks, the discharge of fireworks in areas with hazardous environmental conditions, and the use of other ignition sources; and

WHEREAS, the Town of Alta contains property containing hazardous environmental conditions

NOW, THEREFORE, BE IT ORDAINED BY THE ALTA TOWN COUNCIL OF UTAH, THAT:

SECTION I: Title 5 Article B Section 5-3B-3 is repealed and replaced/renamed as Title 5 Article C Section 5-3C-7.4.

SECTION II: Title 5 Article C Section 5-3C-7 is enacted as follows:

5-3C-7 Fire Restrictions

5-3C-7.1 Findings

The Town Council finds that certain areas exist in the Town and that preservation of public health, safety and welfare requires the restriction of fireworks, smoking and other fires in such areas and certain surrounding areas as specified below, to reduce the risk of potentially devastating wildfires in the Town.

5-3C-7.2 Definitions

- A. As used in this chapter, the term "Restricted Areas" shall mean ravines, gullies, hillsides, vacant land, or mountainous areas where natural vegetation exists (including oak brush, conifers, sage brush, and other indigenous trees and plants), such that a distinct fire hazard is clearly evident to a reasonable person, and where that area is within the Town.
- B. Without limiting the foregoing, "Restricted Areas" shall also include those areas designated within the Town as a fire hazard on an annual basis by the Unified Fire

Authority on maps conveyed to and approved by the council in an open meeting and posted and made available on the Town's website and in the offices of the Town Clerk.

5-3C-7.3 Fire Restrictions

- A. The following restrictions on open flames and smoking are imposed on, over and within 300 feet of all Restricted Areas:
 - 1. Setting, building, maintaining, attending or using open flames of any kind is prohibited, except campfires built within the facilities provided for them in improved campgrounds, picnic areas or permanently improved places of habitation; and
 - 2. Smoking is prohibited, except within an enclosed vehicle or building, a developed recreation site or while stopped in the center of an area of at least ten feet in diameter that is barren or cleared to mineral soil or is covered by concrete or asphalt.
- B. The following restrictions on fireworks, tracer ammunition or other pyrotechnic devices are imposed:
 - 1. Discharging or using any kind of aerial device firework, tracer ammunition or other pyrotechnic devices on, over or within three hundred feet of any restricted area is prohibited; and
 - 2. Discharging or using any kind of class C common state-approved explosives on, over or within 300 feet of any restricted area is prohibited.
- C. The following definitions are applicable to this section:
 - 1. "Class C common state-approved explosives" is as defined in section 53-7-202(5), Utah Code Annotated, as amended.
 - 2. "Aerial device firework" is as defined in sections R710-2-3 of the Utah Administrative Rules, as amended.
- D. The restrictions in this section 5-3C-7.3 "Fire Restrictions" are effective from June 1 through October 31 each year, unless modified by the council.

5-3C-7.4 SALE OR USE OF FIREWORKS:

It shall be unlawful for any person, firm, partnership or corporation to offer for sale, expose for sale, sell, possess, or use, or explode any toy cannon in which explosives are used; the type of balloon which requires fire underneath to propel the same; firecrackers, torpedoes; sky rockets, Roman candles, bombs, or other fireworks of like construction, or any fireworks containing any explosive or inflammable compound or any tablets or other device commonly used and sold as fireworks containing nitrates, chlorates, oxalates, sulphides of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorus or any compound containing any of the same or other explosives, or any substance or combination of substances, or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation,

other than aviation and railroad signal light flares, except as in this section. This section shall not prohibit the use of toy pistols, toy canes, toy guns or sparklers.

5-3C-7.5 Exemptions

The following persons are exempt from the prohibitions in 5-3C-7 Fire Restrictions:

- A. Persons with a permit from the Town, from the State of Utah or the United States of America, specifically authorizing the prohibited act at the specific location; and
- B. Any town, state or federal forestry or firefighting officer or firefighting forces, including the Unified Fire Authority, or any peace officer, in the performance of an official duty.

5-3C-7.6 Penalty

Each violation of this section shall be a Class B misdemeanor.

Section III: Effective Date. For the protection and preservation of public health and safety, this Ordinance shall take effect immediately upon its passage. The Town Clerk is hereby directed to publish and/or post this Ordinance forthwith.

PASSED AND APPROVED by the Town of Alta Town Council, Utah, this _____ day of _____ in the year 2021.

TOWN OF ALTA

Harris Sondak, Mayor

ATTEST:

Piper Lever, Town Clerk