



## **Alta Town Council**

### **Staff Report: Fire and Ignition Source Restrictions**

To: Town of Alta Mayor and Council

From: Polly McLean, Town Attorney and Cameron Platt, Legal Associate

Date: June 30, 2021 Special Council Meeting

Two ordinances are before the council about restricting fire ignition sources, open flames and fireworks.

#### Ordinance #2021 – O – 3\_ “Fire Restrictions” (Permanent Codified Restrictions)

This ordinance enacts a new section of code restricting fire and ignition sources from June 1 through October 31 throughout the entire town.

- Prohibits “open flames of any kind . . . except campfires built within the facilities provided for them in improved campgrounds, picnic areas or permanently improved places of habitation.”
- Prohibits smoking, “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.”
- Prohibits the sale or- use of fireworks.
- Contains exemptions from the above restrictions for permitted activities including fireworks shows, avalanche control, or firefighting.

#### Ordinance #2021 – O – 4\_ “Restriction of Fireworks” (Annual Restriction based on conditions)

This ordinance is required for two reasons: 1) Utah law prohibits cities from banning fireworks during four holidays; and 2) the current year’s drought and fire risk requires additional restrictions.

Utah prohibits fireworks except for dates around July 4, July 24, New Year’s Eve, and the Chinese New Year. During those specified dates, a town may not restrict fireworks unless it passes an ordinance finding that an existing condition, or historical conditions, create a hazardous environmental condition of fire risk.

Section I of this ordinance complies with state law prohibiting fireworks during July 4, and July 24 throughout the town. We will, in accordance with State Code requirements, have to adopt a similar ordinance every year in order to ban fireworks even during the holidays.

Section II implements Stage 1 restrictions until October 31, 2021 to match Utah State Fire Restriction Order (issued June 10, 2021). USFS Order effective June 18, 2021 limits fires to fire structures within a designated area and prohibits smoking unless in a specified area.