

**ORDINANCE #2022-O-4**

**ORDINANCE AMENDING ALTA TOWN CODE 5-3C-7.3 “FIRE RESTRICTIONS”**

WHEREAS, the Town of Alta (“Town”) previously determined that certain areas exist in the Town that require restricting fireworks, smoking and other open fires to protect public health, safety and welfare by reducing the risk of potentially devastating wildfires in the Town; and

WHEREAS, Utah Code § 15A-5-202.5(1)(b) allows municipalities to “close a defined area to the discharge of fireworks due to a historical hazardous environmental condition” if the “historical hazardous environmental condition has existed in the defined area before July 1 of at least two of the preceding five years;” and

WHEREAS, the current Alta Town Code 5-3C-7.3 prohibits “fireworks . . . on, over or within three hundred feet of any restricted area;” which is not consistent with Utah Statute; and

WHEREAS, the Town of Alta Town Council desires to amend Alta Town Code 5-3C-7.3 to comply with Utah statute.

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

SECTION I: Alta Town Code Title 5, Chapter 3C, Section 7.3 is amended as follows:

**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.~~ 1. Discharging or using any kind of aerial device firework, “Class C common state approved explosive”, or Class C dangerous explosive” when prohibited by Town Resolution or Ordinance because of hazardous environmental conditions.
- ~~1.2.~~ 1.2. Discharging or using any kind of tracer ammunition or other pyrotechnic devices on, over or within three hundred feet of any restricted area is prohibited; and
- ~~2.3.~~ 2.3. 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:

AERIAL DEVICE FIREWORK:	As defined in sections R710-2-3 of the Utah Administrative Rules, as amended.
CLASS C COMMON STATE-APPROVED EXPLOSIVES:	As defined in section 53-7-202(5), Utah Code Annotated, as amended.

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.

Section II: Effective Date. This resolution shall be effective publication.

PASSED AND APPROVED by the Town of Alta Town Council, Utah, this 13th day of April in the year 2022.

TOWN OF ALTA

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Roger Bourke, Mayor

ATTEST:

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Piper Lever, Town Clerk

Certification

Ordinance/summary published on Utah state noticing website on April 14, 2022.

Effective date of Ordinance: April 14, 2022.