

ORDINANCE #2021-O-08

ORDINANCE AMENDING CHAPTER 6.08 FIREWORKS TO RESTRICT
FIREWORKS AND OTHER IGNITION SOURCES UNDER CERTAIN CONDITIONS.

WHEREAS, the Town Council finds that it is in the public interest to address fireworks and other ignition sources due to environmental issues (weather conditions and dry fuel loads), topographical considerations (mountainous terrain, wildland interface, brush covered areas throughout the city), public safety concerns (people, structures, waterways, washes, and property), etc. in Hideout, Utah; 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 Hideout contains significant amounts of property containing hazardous environmental conditions.

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

SECTION I: Amend Chapter 6.08 Sections 6.08.050, 6.08.060 of the Hideout Town Code is hereby amended as follows:

Chapter 6.08 FIREWORKS & IGNITION SOURCES

6.08.050 PROHIBITED ACTS AND ACTIVITIES

A. It shall be unlawful to discharge fireworks:

1. Within one hundred feet (100') of any place where fireworks are sold or offered for sale;
2. Within three hundred feet (300') of any church, hospital, rest home, retirement center, school building or similar institution;
3. In such a manner that the fireworks project over or onto the property of another person without the consent of the person owning or controlling such property; or
4. In any public park.

B. It shall be unlawful to ignite, discharge or throw any fireworks from or into any motor vehicle, or at or near any person.

C. It shall be unlawful to make, sell, or offer to sell or to discharge any type of homemade fireworks.

D. It shall be unlawful to sell or to offer to sell fireworks:

1. Without a permit;
2. In violation of any requirement of this chapter or any regulations adopted by the Utah fire prevention board;
3. At a location not specified in the permit application;
4. Without the insurance coverage required in the permit application; or
5. In violation of HMC 6.08.030 Paragraph B.

E. It shall be unlawful to discharge fireworks, even when otherwise permitted under Utah Statute or Town Code, when:

1. When the fire code official determines that existing or historical hazardous environmental conditions necessitate controlled use of any ignition sources.
 2. In areas designated by the Council as containing hazardous environmental conditions.
- F. The use of ignition sources including but not limited to open fires, solid fuel fire pits, lighters, matches, sky lanterns, open barbeques, and smoking materials is prohibited under the following circumstances:
1. When the fire code official of Hideout determines that existing or historical hazardous environmental conditions necessitate controlled use of any ignition sources.
 2. In areas designated by the Council as containing hazardous environmental conditions.
 3. When the use of open fires, fire pits, lighters, matches, sky lanterns, barbeques, smoking materials, or other ignition source that produces embers and/or is negligent.

6.08.060 AUTHORITY OF TOWN TO PROHIBIT ~~DISCHARGE~~IGNITION SOURCES

The town council, during times of adverse fire conditions, may review information regarding meteorological conditions, moisture content of plants and soil, and other information related thereto, and may at its discretion prohibit the use of all ~~fireworks~~ ignition sources in the protection of the health, safety and welfare of the public. Such a prohibition shall be for a defined period of time and may be limited to identified areas of the town, or may be applicable throughout the town.

A. As used in this chapter, hazardous environmental conditions include:

1. Mountainous, brush-covered, forest-covered, or dry grass-covered areas;
2. Areas within 200 feet of waterways, trails, canyons, washes, ravines, or similar areas;
3. The wildland urban interface area, which means the line, area, or zone where structures or other human development meet or intermingle with undeveloped wildland or land being used for an agricultural purpose; or
4. A limited area outside the hazardous areas described in this Paragraph A, to facilitate a readily identifiable closed area, in accordance with Paragraph B.

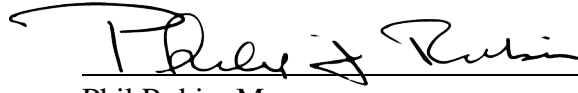
B. For any area restricted due to hazardous environmental conditions, the Town shall:

1. Designate the closed area along readily identifiable features like major roadways, waterways, or geographic features;
2. Ensure that the boundary of the designated closed area is as close as is practical to the defined hazardous area, provided that the closed area may include areas outside of the hazardous area to facilitate a readily identifiable line; and
3. Identify the closed area through a written description or map that is readily available to the public.

SECTION II: Effective Date. These amendments shall take effect upon publication.

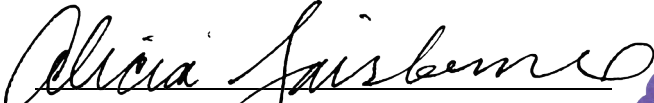
PASSED AND ADOPTED by the Town Council of Hideout, Utah, this 10th day of June in the year 2021.

TOWN OF HIDEOUT



Phil Rubin, Mayor

ATTEST:



Alicia Fairbourne, Town Clerk

