

ORDINANCE NO. 2023-17

AN ORDINANCE REGULATING AND LIMITING THE USE AND IGNITION OF FIREWORKS WITHIN LAKE POINT

WHEREAS, the State Fire Code Act, Utah Code Title 15A, Chapter 5, Part 2, provides that the City Council can prohibit the ignition or the use of ignition sources within areas that are subject to existing or historical hazardous environmental conditions;

WHEREAS, the City Council has reviewed the existing conditions of Lake Point and the recommendations of the fire department and officials;

WHEREAS, the City Council has received recommendations that the weather conditions, environment, and other existing fire conditions and hazards are such that the use of fireworks and other ignition sources within areas of the City should be regulated and limited;

WHEREAS, the City Council finds that the size of Lake Point and the intermingling of the City with agricultural, mountainous, brush-covered, and dry grass-covered areas, makes the designation and delineation of limited hazardous areas difficult means that the only effective way to protect such hazardous and sensitive areas is by the restriction of certain ignition sources within the entirety of Lake Point, as recommended by the fire department and officials.

NOW, THEREFORE, BE IT ORDAINED by the Lake Point City Council as follows:

Section 1. Firework Regulation

- a. At all times, in all areas within Lake Point, the use and discharge of class C dangerous explosives, as defined by Utah Code § 53-7-202, are prohibited, unless the person discharging the firework is a display operator or special effects operator that is licensed by the state or federal government, as appropriate, who obtains a Lake Point fireworks permit and discharges the firework within the times described in subsection (e).
- b. At all times, in all areas within Lake Point, the use and discharge of class C common state approved explosives, as defined by Utah Code § 53-7-202, that are hand-held, or that lift or launch into the air, are prohibited, unless the person discharging the firework obtains a Lake Point fireworks permit and discharges the firework within the times described in subsection (e).
- c. Within the times described in subsection (e), ground burst or fountain type fireworks may be discharged, provided that such discharge takes place outdoors, on a hard, level, non-flammable surface in a clear and open area, with a minimum 10-foot radius clearance from persons, buildings, grass, and other fuel sources.
- d. Within the times described in subsection (e), hand-held sparklers may be used.
- e. Fireworks shall be ignited only between July 2 and July 5, between July 22 and July 25, between December 29 and December 31, January 1, and Chinese New Year's

eve, 11 AM to 11 PM (or midnight on July 4 and July 24, or 1 AM the following day for December 31 and Chinese New Year's eve).

Section 2. Firework Permit

- a. Any person desiring a firework permit shall submit such applications, materials, and information, together with the fee set by resolution of the City Council, to the Lake Point recorder.
- b. The application shall provide the following information and conditions of approval:
 - i. Site plan. The applicant must provide a description of the area in which the fireworks will be launched, including the minimum distances to adjacent fields, vacant lots, watercourses, ditches, buildings, other fire hazards, and the area for spectators.
 - ii. Ignition area. Ignition of aerial fireworks must take place outdoors, on a hard, level, non-flammable surface in a clear and open area, with a minimum clear distance of 30 feet from any structure or vertical obstruction.
 - iii. Extinguish. The applicant must provide and maintain means of immediately extinguishing fireworks, sparks, and ignitions.
 - iv. Cleanup. All discharged fireworks, ashes, and other remains must be fully extinguished and cooled prior to disposal. No hot ashes or remains may be placed in any waste or disposal container. No duds shall be re-lit, and all duds must be soaked in water for at least one hour prior to disposal.
 - v. Conditions. The applicant cannot discharge a firework if winds, precipitation, or other adverse weather conditions exist, and the applicant must postpone or discontinue fireworks discharge until weather conditions improve.
 - vi. Liability. The applicant shall be responsible for the safe handling, discharging, igniting, and disposal of all fireworks, and any damage to persons or property caused by the applicant's fireworks.
- c. Any firework permit shall require the applicant to comply with the terms and conditions of the permit and this ordinance.
- d. Any firework permit may be revoked for failure to comply with the terms of the permit and this Ordinance and shall otherwise expire 30 days from issuance.

Section 3. Lake Point designates the Authority Having Jurisdiction for this ordinance and related fire code application, as the North Tooele Fire District, provided that nothing herein shall limit Lake Point and its designated law enforcement agency from prosecuting violations of this ordinance.

Section 4. The discharge of any firework in violation of this Ordinance or any permit issued hereunder, including the discharge of improper fireworks or the improper location of the discharge of otherwise proper fireworks, is prohibited and constitutes an infraction.

Section 5. This Ordinance shall be effective immediately upon its adoption and publication according to law.

PASSED, APPROVED, AND ADOPTED on the 9th day of August, 2023

Lake Point

By 
Chair

ATTEST:


City Recorder

SEAL

Voting:

Daniel Crawford
Doyle Garrard
Jonathan Garrard
Kathleen VonHatten
Ryan Zumwalt

Yea ☒ Nay Absent
Yea ☒ Nay Absent
Yea ☒ Nay Absent
Yea ☒ Nay Absent
Yea ☒ Nay Absent