

VIRGIN TOWN ORDINANCE # 2024-11

AN ORDINANCE TEMPORARILY BANNING THE DISCHARGE OF FIREWORKS WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN AND SETTING A CRIMINAL PENALTY FOR VIOLATING SAID BAN.

RECITALS

WHEREAS, Virgin Town (“Town”) is an incorporated municipality duly organized and existing under the laws of the State of Utah;

WHEREAS, pursuant to Utah Code Annotated, Title 10, Chapter 3b, Section 301, the Virgin Town Council (“Virgin Town Council”) is designated as the governing body of the Town.

WHEREAS, the Town is located within the service area of the Hurricane Valley Fire District, a Utah special service district created for the purpose of providing fire protection services and emergency medical services (“EMS”) to the Eastern portion of Washington County (“HVFD”).

WHEREAS, weather and natural resource conditions have combined through the winter of 2023 and the spring of 2024 to create a scenario where light fuels (such as grasses and other small vegetation) which grew initially this spring, have now died back and snow pack and water levels in area reservoirs are forecasted to reach a 50 year low.

WHEREAS, the National Interagency Fire Center (“NIFC”) Predictive Unit is forecasting an above normal potential for significant fire activity throughout the Western United States and Southwestern Utah.

WHEREAS, many municipalities and counties within Southwestern Utah, working in conjunction with their own fire departments or regional fire agencies have implemented restrictions on fires and activities which might ignite fires.

WHEREAS, the use of explosives and other fireworks within the Town substantially increases the risk of fires under current conditions and the Virgin Town Council finds this to be a direct threat to the health, safety and general welfare of the residents of the Town and their property.

WHEREAS, there is significant public lands, including Zion National Park, which are adjacent to, or near, the boundaries of the Town.

WHEREAS, Utah Code Ann. §§15A-5-202.5 and 53-7-225 provide that cities and towns may prohibit the use of ignition sources, including fireworks in high risk areas.

WHEREAS, in consultation with the HVFD and Utah State Fire Marshall it has been determined that due to the severe drought and high fuel conditions within and surrounding the Town coupled with the limited interagency fire protection resources throughout the State of Utah and the Western US, that all areas within the Town are considered high risk presently.

WHEREAS, the Town Council has determined that allowing residents and visitors to discharge fireworks within the Town boundaries under the present conditions would be careless and negligent.

ORDINANCE

NOW THEREFORE BE IT ORDAINED BY THE VIRGIN TOWN COUNCIL, based upon the Recitals set forth above, that:

1. Temporary Prohibition on the Discharge Fireworks Within the Town. The discharge of Fireworks as defined in Utah Code Ann. §53-7-202 anywhere within the municipal boundaries of the Town is hereby immediately prohibited until this temporary ban is lifted by a proper vote of the Town Council.
2. Violation. Violations of this Ordinance shall be deemed a Class B Misdemeanor and shall be punishable as provided for in the Virgin Town Code.

Severability Clause: Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid;

Effective Date: Due to the immediate fire danger and the Town Council's finding of necessity and high risk to the health, safety and general welfare of the Town, its residents and nearby public lands, this Ordinance shall become effective immediately upon adoption by the Town Council.

Repealer Clause: All Virgin Land Use Ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF VIRGIN TOWN, STATE OF UTAH, ON THE 25th DAY OF June 2024.

VIRGIN TOWN
a Utah municipal corporation

Attest:


Jean Krause, Mayor


Krystal Percival, Clerk/Recorder

Town Council Vote as Recorded:

Town Council Member, Mistie Baird

Town Council Member, Marci Holm

Town Council Member, Paul Luwe

Town Council Member, April McKeon

Mayor, Jean Krause

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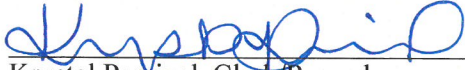
RECORDED this 27 day of June 2024

PUBLISHED OR POSTED this 27 day of June 2024.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I the Clerk/Recorder of Virgin, Utah hereby certifies that the foregoing Ordinance was duly passed and published or posted at:

- 1) Utah Public Notice Website, utah.gov/pmn/
 - 2) Virgin, Utah website, virgin.utah.gov
 - 3) Virgin, Utah Town Hall
- on the above referenced dates.



Krystal Percival, Clerk/Recorder
Virgin, Utah