

DATE MONDAY JUNE 29, 2021

THE KEARNS METRO TOWNSHIP COUNCIL, STATE OF UTAH, MET ON MONDAY, JUNE 29, 2021, PURSUANT TO ADJOURNMENT ON THURSDAY, JUNE 24, 2021, AT 6:00 P.M. VIA ZOOM.COM.

COUNCIL MEMBERS PRESENT: TINA SNOW
CHRYSTAL BUTTERFIELD
ALAN PETERSON
PATRICK SCHAEFFER
KELLY BUSH, Chair

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Mayor Kelly Bush, Chair, presided.

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Council Business

Mayor Kelly Bush read the following temporary conduct of electronic meetings:

Pursuant to House Bill 5002, "Open and Public Meetings Act Amendments," passed during the 2020 Fifth Special Session of the Utah Legislature and codified under Utah Code Ann. § 52-4-207(4), Mayor Kelly Bush has determined that the meeting will be held electronically without an anchor location due to the ongoing Coronavirus disease 2019 (COVID-19) pandemic, which she has determined to present a substantial risk to the health and safety of those who may be present at an anchor location.

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Ordinance of Business

Firework Ban

Mayor Bush stated the Council is unable to do a blanket firework band, it is not defensible under Utah State Code. There are restrictions in place that have been enacted since before the township was created and the penalties are serious if the restriction is violated.

Nathan Bracken stated the Council originally approved a firework ban at the June 24, 2021 Council meeting. The following day, additional information was released about the banning of fireworks which is why the Council is holding a meeting to modify the restrictions.

Brad Larson Unified Fire Authority, Fire Marshal, presented a map of the Kearns Metro Township showing what areas have a firework restriction. If someone does call in a firework incident and there is a danger, make sure dispatch knows so it can up the priority.

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Citizen Public Input

Aaron Nickle stated there has been a lot of talk and concerns regarding house fires and other types of fires being started by fireworks. He requested reports from Unified Fire Authority (UFA) with information pertaining to all fires and fires caused by fireworks from 2015 – June 28, 2021. The fire reports were narrowed down to firework related fires and the number of fires were insignificant. Considering the statistical reports from UFA, he does not believe there should be a blanket firework band.

Ordinance 2021-06-04 – Firework Ban

The Council reviewed the following Ordinance enacting an emergency ban on the use of fireworks within the boundaries of Kearns Metro Township:

Kearns Metro Township Council

ORDINANCE NO. 2021-06-04

Date: June 29, 2021

AN ORDINANCE OF THE KEARNS METRO TOWNSHIP COUNCIL ENACTING AN EMERGENCY BAN ON THE USE OF FIREWORKS WITHIN THE BOUDNARIES OF KEARNS METRO TOWNSHIP

BE IT KNOWN AND REMEMBERED THAT, the Kearns Metro Township (“Kearns”) Council (the “Council”) met in a special public meeting on June 29, 2021.

WITNESS

WHEREAS, Governor Spencer J. Cox has issued Executive Orders 2021-07, 2021-10, and 2021-13 declaring a state of emergency and requiring increased water conservation due to extreme drought conditions for the State of Utah; and

WHEREAS, on June 23, 2021, Brad Larson, the Fire Marshal for the Unified Fire Authority (“UFA”) determined (Attachment A) that “hazardous environmental conditions exist that may necessitate the controlled use of ignition sources throughout the UFA’s geographical footprint,” and recommended that Kearns and UFA’s other member entities “evaluate the restriction of ignition sources, including fireworks, and potentially prohibit their use in any area your legislative bodies determine [to] met the criteria provided for in Utah Code § 15A-5-202.5(1)(b)(1) and (2) (i.e. mountainous, brush-covered, forest-covered, dry grass-covered, trails, canyons, ravines, wildland interface);” and

WHEREAS, the fire Marshal further found that “along the Wasatch Front, the energy release component of vegetation may be near maximum potential” and that “[w]ater conservation measures, while necessary, may contribute to even drier vegetation conditions around and within residential neighborhoods, such as the drying out of bushes, trees, and grasses [which] will

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- c. "Class C dangerous explosives" as defined in Utah Code Ann. § 53-7-202, which includes but is not limited to:
 - i. A firecracker, cannon cracker, ground salute, M-80, cherry bomb, or other similar explosive;
 - ii. A skyrocket, missile type rocket, a single shot or reloadable aerial shell, aerial salute, flash shell, comet, mine, a cake containing more than 500 grams of pyrotechnic composition, or similar rocket; and
 - iii. A bottle rocket, roman candle, a rocket mounted on a wire or stick; or a device containing any of the foregoing.
2. The term "firework" will not include Class A explosives, Class B explosives, and exempt explosives, with the term "exempt explosives" meaning a model rocket, toy pistol cap, emergency signal flare, snake or flow worm, party popper, trick noisemaking, and match and wire sparker under 12 inches pursuant to Utah Code Ann. § 53-7-202(10) and (14).
3. The term "open fire" will mean a fire outside of a building that is not contained within a fire pit or other barrier, an outdoor fireplace, a stationary barbeque or grill, or an incinerator, excluding welding or acetylene or other torch with an open flame.

Section 2. Restriction on Fireworks and Open Fires. Pursuant to the provisions of Utah Code Ann. § 15A-5-202.5, and based on the above findings, the use of fireworks and open fires is hereby prohibited in the areas set forth in the Map, which is incorporated herein as the restriction area. This emergency restriction will remain in effect until 11:59 pm on November 1, 2021, unless earlier terminated by action of the Council of Kearns Metro Township. This restriction will not apply to permitted public fireworks displays authorized by Kearns and approved by Kearns' fire code official nor will it apply to the sale of fireworks.

Section 3. Penalty. Initial violations of this Ordinance will constitute an infraction with subsequent violations constituting a Class B misdemeanor, punishable in accordance with the Utah Code and the Kearns Metro Township Code.

Section 4. Severability. If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability will not affect any other portion of this Ordinance, and all sections, parts, and provisions of this Ordinance will be servable.

Section 5. Conflicts. If any provision of this Ordinance conflicts with another ordinance, policy, or provision, within the Kearns Metro Township Code, this Ordinance will control.

Section 6. Distribution. Kearns Metro Township staff are directed to provide a copy of this ordinance to Salt Lake County, the Unified Fire Authority, and any other applicable official(s). The Kearns Metro Township Recorder is further directed to publish and/or post this Ordinance

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forthwith in accordance with Utah Code Ann. § 10-3-711(1) and Utah Code Ann. § 10-3-712. Staff are also directed to post this Ordinance and the Map to the Kearns Metro Township Webpage.

Section 7. Effective Date. For the protection and preservation of public health and safety, this Ordinance will take effect immediately upon its passage.

APPROVED AND ADOPTED this 29th day of June, 2021 in Salt Lake County, Utah.

By: /s/ KELLY BUSH
Kelly Bush, Mayor

ATTEST:

By: /s/ SHERRIE SWENSEN
Sherrie Swensen
Metro Township Clerk

Council Member Butterfield, seconded by Council Member Schaeffer, moved to approve Ordinance 2021-06-04 enacting an emergency ban on the use of fireworks within the boundaries of Kearns Metro Township. The motion passed 4 to 1 by the following vote:

Mayor Bush	"Aye"
Council Member Snow	"Aye"
Council Member Schaeffer	"Aye"
Council Member Peterson	Excused
Council Member Butterfield	"Aye"



THERE BEING NO FURTHER BUSINESS to come before the Council at this time, the meeting was adjourned.

SHERRIE SWENSEN
METRO TOWNSHIP CLERK

By _____
Deputy Clerk

CHAIR, KEARNS METRO TOWNSHIP

DATE

MONDAY

JUNE

29, 2021

