NORTH OGDEN CITY

SETTLED 1851

NOTICE OF A SPECIAL MEETING
OF
THE CITY COUNCIL OF NORTH OGDEN CITY
JUNE 29, 2021, AT 6:30 PM
505 EAST 2600 NORTH
NORTH OGDEN, UT 84414

PUBLIC CAN ATTEND BY:
Click the link below to join the webinar https://us02web.zoom.us/j/85009118094?pwd=aCtQZkY1YVp5MTFmb2NGRlA1OXlHQT09
Webinar ID: 850 0911 8094
Or Telephone Dial: 1 346 248 7799 or 1 669 900 9128 or 1 253 215 8782 or 1 312 626 6799
YouTube: https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos

6:00 PM – Closed Meeting

1. Discussion and/or action to enter a closed meeting for reasons related to Utah State Code §52- 4-205(1)(c) regarding strategy regarding pending or reasonably imminent litigation
   Presenter: Jon Call, City Manager/Attorney

6:30 PM – City Council Special Meeting

Welcome: Mayor Berube

Invocation & Pledge of Allegiance: Council Member Cevering

CONSENT AGENDA

2. Call for conflict of interest disclosure

ACTIVE AGENDA

3. Public Comments*
4. Discussion and/or action to consider an Ordinance to establish boundaries for fireworks and prohibit open burning in certain areas of the city.
   Presenter: Jon Call, City Manager/Attorney
5. Public Comments*
6. Council/Mayor/Staff Comments
7. Adjournment

The Council at its discretion may rearrange the order of any item(s) on the agenda. Final action may be taken on any item on the agenda. In compliance with the American with Disabilities Act, needing special accommodation (including auxiliary communicative aids and service) during the meeting should notify the City Recorder at 801-782-7211 at least 48 hours prior to the meeting. In accordance with State Statute, City Ordinance, and Council Policy, one or more Council Members may be connected via speakerphone or may by two-thirds vote to go into a closed meeting.
CERTIFICATE OF POSTING
The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the North Ogden City limits on this 24th of June, 2021 at North Ogden City Hall, on the City Hall Notice Board, on the Utah State Public Notice Website and at http://www.northogdencity.com,. The 2021 meeting schedule was also provided to the Standard Examiner on December 12, 2020. Susan L. Nance, City Recorder

Public Comments/Questions

a. Time is made available for anyone in the audience to address the Council and/orMayor concerning matters pertaining to Citybusiness.

b. When a member of the audience addresses the Mayor and/or Council, he or she will come tothe podium and state his or her name.

c. Citizens will be asked to limit their remarks/questions to three (3) minuteseach.

d. The Mayor shall have discretion as to who will respond to acomment/question.

e. In all cases the criteria for response will be that comments/questions must be pertinent to City business, that there are no argumentative questions and no personalattacks.

f. Some comments/questions mayhave to wait for a response until the next Regular Council Meeting.

g. The Mayor will inform a citizen when he or she has used the allottedtime.

By order of Mayor Berube, Council Member Cevering and Council Member Barker on this 24th day of June 2021 at 4:20 pm.

S. Neal Berube, Mayor

Blake Cevering, Council Member

Ryan Barker, Council Member

ATTEST:

Susan L. Nance, CMC
City Recorder

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ORDINANCE 2021-__

AN ORDINANCE OF THE NORTH OGDEN CITY COUNCIL AMENDING CITY ORDINANCE TITLE 5 CHAPTER 4 FIREWORKS TO ESTABLISH BOUNDARIES FOR FIREWORKS AND PROHIBIT OPEN BURNING IN CERTAIN AREAS OF THE CITY.

WHEREAS North View Fire District has determined a high fire danger exists in areas and land in undeveloped areas around North Ogden because of the growth of grass, weeds and vegetation; and

WHEREAS North View Fire District has approached the North Ogden City Mayor and Council in previous years and asked for support in proactive and preventative fire prevention efforts, and

WHEREAS North View Fire District has previously recommended that fireworks and open fires temporarily not be allowed in certain areas of the City during certain months of the year, and

WHEREAS North View Fire District recommends there be a permanent restriction of fireworks and open fires, not including recreational fires or cooking fires, within the City on all areas north of 3550 North or east of Mountain Road, and

WHEREAS the City passed resolutions in 2013, 2014, 2015, 2016, and 2017 supporting a temporary ban on fireworks and open fires in North Ogden City, and

WHEREAS the terrain, vegetation and other circumstances which create high fire dangers in these areas is unlikely to change in the near future; and

WHEREAS the City desires to support North View Fire District and be proactive in limiting fire hazards and the potential loss of homes, structures, land and life,

WHEREAS the City believes the addition of time frames and exceptions as approved by the Fire Marshal is appropriate; and

WHEREAS during 2021 the state has experienced significant drought; and

WHEREAS the municipality is charged with protecting life and property; and

WHEREAS fireworks pose a significant threat during times of drought and lack of irrigation; and

WHEREAS the City is currently experiencing record low water levels at the natural springs and has received information from the secondary water provider regarding record low water levels in their system; and

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WHEREAS the Council has determined it is in the best interest of the residents to carefully evaluate the fire hazards associated with the discharge of fireworks during the summer of 2021.

NOW, THEREFORE, be it ordained by the North Ogden City Council that the following amendments be made to North Ogden City Municipal Code by Fireworks and Open Burning, amending Title 5 chapter 4

5-4: FIREWORKS AND OPEN BURNING

5-4-1: STATE PROVISIONS ADOPTED BY REFERENCE

Except insofar as the application thereof is clearly impractical or inappropriate, in view of the context of purposes or penalty as provided, all of the definitions, requirements, regulations, prohibitions, provisions, penalties and sections of the state fireworks provisions, Utah Code §§ 11-3-1 et seq., and 53-7-201 et seq., as amended, are hereby adopted by the city.

5-4-2: DEFINITIONS AND FINDINGS

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A. For the purposes of this section the following terms are defined as follows:

1. Hazardous Environmental Condition – means an unusual occurrence caused by naturally occurring or other activities which pose a substantial risk to life and property.

2. Existing Hazard – means a current physical or environmental feature which exists and which has not occurred historically on a regular basis.

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5-4-~~3~~2: PERMIT REQUIRED; FEE

No person shall store, handle, sell or offer for retail sale any firework or other pyrotechnic device authorized to be sold or discharged under this chapter without first having submitted an application for and having obtained a special fireworks permit. All such applications shall be examined by, and permits issued by the North View fire department fire chief, or his designated assistant. A copy of the state sales tax license shall accompany each application. A reasonable fee shall be assessed for the issuance of the permit, which must be paid before such permit may be issued. Such fee shall be established by the city council by resolution.

5-4-3: RULES ADOPTED AND INCORPORATED

The state fire prevention board, pursuant to Utah administrative rulemaking act, Utah Code § 63-46a-1 et seq., is authorized by the Utah fireworks act, Utah Code § 11-3-1 et seq., and the fire prevention and fireworks act, Utah Code § 53-7-201 et seq., to adopt rules establishing minimum safety standards, reasonable under the circumstances, for the retail storage, retail handling and retail sale of common fireworks. All regulations adopted pursuant to the board's rulemaking authority are incorporated in this chapter as though set forth in full.

5-4-4: DISCHARGE OF FIREWORKS AND OPEN FIRE PITS

Based on Historical Hazardous Conditions Except for the Months between December and May of each year there shall be no discharge of fireworks or use of open fire pits which are not specifically for recreational fires or fires for cooking food north of 3300 N. or east of Mountain Road. The purpose of this prohibition is to protect the mountainous, brush-covered, forest covered, and dry grass-covered areas. The area shown on t~~T~~he attached map, and ~~is~~ incorporated by reference, has included some areas which are currently developed, but follow the guidelines in State Code to provide for easily identifiable areas where restrictions are imposed through the use of roadways or other physical features.

5-4-5: EXCEPTIONS

Individuals requesting an exception to these rules may file a request with the North View Fire District. Any approval of any exceptions must be in writing from the Fire Marshal. A burn permit for the semi-annual green waste burn is excluded from this requirement, provided appropriate state permits have been obtained.

5-4-6: PENALTY

Except as otherwise provided by state law, violation of any provision of this chapter shall be considered a class B misdemeanor. This chapter may be enforced by employees of the North View Fire District as determined by the Fire Chief.

5-4-7: 2021 EXISTING HAZARDS RESTRICTIONS

~~The prescriptions covering The City in it's entirety, until Dec. 1.~~Based on the Existing Hazard associated with the drought of 2021 as identified by the executive orders of the Governor of the State of Utah the Council adopts the following provisions, which are in effect until December 1, 2021:

A. There is an Existing Hazard in the City of North Ogden related to
   1. mountainous, brush-covered, forest-covered, or dry grass-covered areas; and waterways, trails, canyons, washes, ravines, or similar areas; and the wildland urban interface area, including agricultural areas.

B. North Ogden City has reviewed the attached Map labeled Existing Hazards to review the areas of concern related to fireworks.

C. Due to the number of areas subject to paragraph A(1) above which are scattered throughout the City and which will increase as water restrictions continue, the Existing Hazards Map has been discussed by the Council and approved as shown.

D. With this ordinance the Council approves the following locations on municipal property as locations where fireworks may be ignited between the hours of 8 pm and 11 pm as identified on the Existing Hazards Map and listed below
   1. Mountain View Park
   2. Orton Park
   3. Wadman Park

E. North Ogden City sponsored fireworks are exempted from this prohibition because of the involvement of the North View Fire District in the firework show.

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SECTION 2: This ordinance shall take immediate effect.

PASSED and ADOPTED this th day of 2021.

North Ogden City:

_____
Neal Berube
North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay
Council Member Barker:	___	___
Council Member Cevering:	___	___
Council Member Ekstrom:	___	___
Council Member Stoker:	___	___
Council Member Swanson:	___	___
(In event of a tie vote of the Council):		
Mayor Berube	___	___

ATTEST:

_____
Susan Nance
City Recorder

Firework Restrictions

No Fireworks Area

