

RESOLUTION #2022– 04 –01

RESOLUTION FINDING HAZARDOUS ENVIRONMENTAL CONDITIONS AND
RESTRICTION OF FIREWORKS WITHIN ALL PORTIONS OF EMIGRATION CANYON
METRO TOWNSHIP

WHEREAS, Utah Code §53-7-225, prohibits the discharge of Class C common state approved explosives (fireworks) except around certain holidays including beginning on July 2 and ending on July 5, and beginning on July 22 and ending on July 25;

WHEREAS, Utah Code § 15A-5-202.5(1)(b) allows municipalities to “close a defined area to the discharge of fireworks due to a historical hazardous environmental condition” if the “historical hazardous environmental condition has existed in the defined area before July 1 of at least two of the preceding five years;”

WHEREAS, the fire official for Emigration Canyon Metro Township (“Emigration Canyon”) has found that existing hazardous environmental conditions have existed within Emigration Canyon before July 1 of at least two of the preceding five years. (see *Letter From Fire Marshal* dated April 5, 2022, attached as Exhibit A);

WHEREAS, the Emigration Canyon Metro Township Council (“Council”) finds that the Township, throughout all areas, contains innumerable mountainous, brush-covered, forest covered, and dry grass-covered areas which historically and, for at least two of the preceding five years before July 1st, are in an extremely flammable condition;

WHEREAS, if existing or historical hazardous environmental conditions exist within the boundaries of the Township, Utah Code §15A-5-202.5 allows the Council to prohibit the ignition and use of fireworks while these conditions exist in the following areas: (1) mountainous, brush-covered, forest covered, or dry grass-covered areas; (2) within 200 feet of waterways, trails, canyons, washes, ravines, or similar areas; (3) 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;

WHEREAS, the Council finds that the entire Emigration Canyon Metro Township consists of the above listed hazardous areas and a map of the Township is attached hereto as Exhibit B;

NOW, THEREFORE, BE IT ORDAINED BY THE EMIGRATION CANYON METRO TOWNSHIP COUNCIL OF, UTAH, THAT:

SECTION I: Pursuant to the provisions of Utah Code Ann. 15A-5-202.5, and based on the findings as noted above, the use of Class C fireworks are hereby restricted in all areas of Emigration Canyon Metro Township as shown in the attached map in Exhibit B.

Section II: Effective Date. This resolution shall be effective upon receipt of the attached map (Exhibit B) by Salt Lake County and publication of the Resolution by the Township Clerk.

PASSED AND APPROVED by the Emigration Canyon Metro Township Council, Utah, this 26th day of April in the year 2022.

EMIGRATION CANYON METRO TOWNSHIP

Joe Smolka

Joe Smolka, Mayor

ATTEST:

Shirley Swann

Township Clerk

Exhibit A: Letter From Fire Marshal dated April 5, 2022.

Exhibit B: Map of Existing Hazardous Conditions in the Township of Emigration Canyon.
(Entire Township)



UNIFIED FIRE AUTHORITY

FIRE PREVENTION

April 5, 2022

To: Emigration Canyon Metro Township

You have requested guidance from me as to your historical environmental conditions as they may impact your legislative bodies' evaluation of fireworks restrictions this season.

As the Emigration Canyon Metro Township is located entirely within a wildland interface area or the type of area described in Utah Code §15A-5-202.5(1)(b)(1), and in or adjacent to US Forest Service lands, both historical and expected conditions present extreme hazardous fire potential during this fireworks season. The entire area of the Emigration Canyon Metro Township has experienced these extremely hazardous environmental conditions in two of the last five years (in fact every year of the past five years). I fully expect such conditions to continue throughout the fireworks season this year.

Given the history, factors, and conditions, I have determined, as the fire code official, that hazardous environmental conditions historically and currently exist that necessitate the controlled use of ignition sources in the entirety of Emigration Canyon Metro Township. These conditions have existed in perpetuity given the location (mountainous, brush covered, forest covered, etc.) and as the Fire Code Official for Unified Fire, I recommend that your entity restrict ignition sources, including fireworks, and prohibit their use throughout the Emigration Canyon Metro Township.

Please feel free to contact our office should you have any questions.

Brad Larson

Fire Marshal / Unified Fire Authority

4965 S Redwood Rd / Taylorsville, UT 84123

801-743-7227 o / 801- 205-4080 c blarson@unifiedfire.org



UNIFIED FIRE AUTHORITY

March 29, 2022

To our City, Township and Salt Lake County governments:

In anticipation of fireworks season, this information will assist your legislative bodies in efforts to assure compliance with Utah fireworks laws regarding fireworks and setting of restricted areas.

Please review your fireworks restricted areas for accuracy and proper alignment. If changes are made to 2021 fireworks restrictions map, Title 15A-5-202.5 lists the steps and requirements.

Some key points to remember:

- Each municipal legislative body must, before May 1 of each year the defined area is closed, provide a map to the county in which the defined area is located.
- The county must have to have a map in place before June 1st, available to the public and fireworks vendors.
- If UFA Fire Prevention Division does not receive notice of any changes prior to that date, the map we publish will be the same historical map for the city as last year, 2021.

Here are the links to the Utah fireworks law.

https://le.utah.gov/xcode/Title15A/Chapter5/15A-5-S202.5.html?v=C15A-5-S202.5_2018050820180508

https://le.utah.gov/xcode/Title53/Chapter7/53-7-S225.html?v=C53-7-S225_2018050820180508:

<https://rules.utah.gov/publicat/code/r710/r710-015.htm#T4> (Utah Administrative Code R710-2)

Key points in current fireworks law:

- Discharge dates for fireworks discharge:
 - 2 days before, day of, and 1 day after July 4th and 24th.
- Provide a restriction area map to UFA by May 1st.
- Provide a county wide map on county website before June 1st. (UFA Responsibility)
- Provides strict liability for negligence, reckless or intentional conduct for damage caused by fire:
 - In prohibited or non-prohibited area
 - Within times of allowed discharge
- Clarifies areas where cities can restrict fireworks discharge.
- Persons guilty of an infraction if: (up to \$1,000 fine)
 - Discharge of fireworks outside of legal dates.
 - Discharge of fireworks in an area where fireworks are prohibited.

If fire conditions worsen as the fireworks season approaches causing concern for areas not currently defined or create a "hazardous environmental condition", please contact your Liaison, our office, or your Area Fire Marshal. Please also feel free to contact me should you have any questions or concerns.

Thank you.

Brad Larson

Fire Marshal / Unified Fire Authority

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Emigration Creek Watershed - Overview Map

