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:

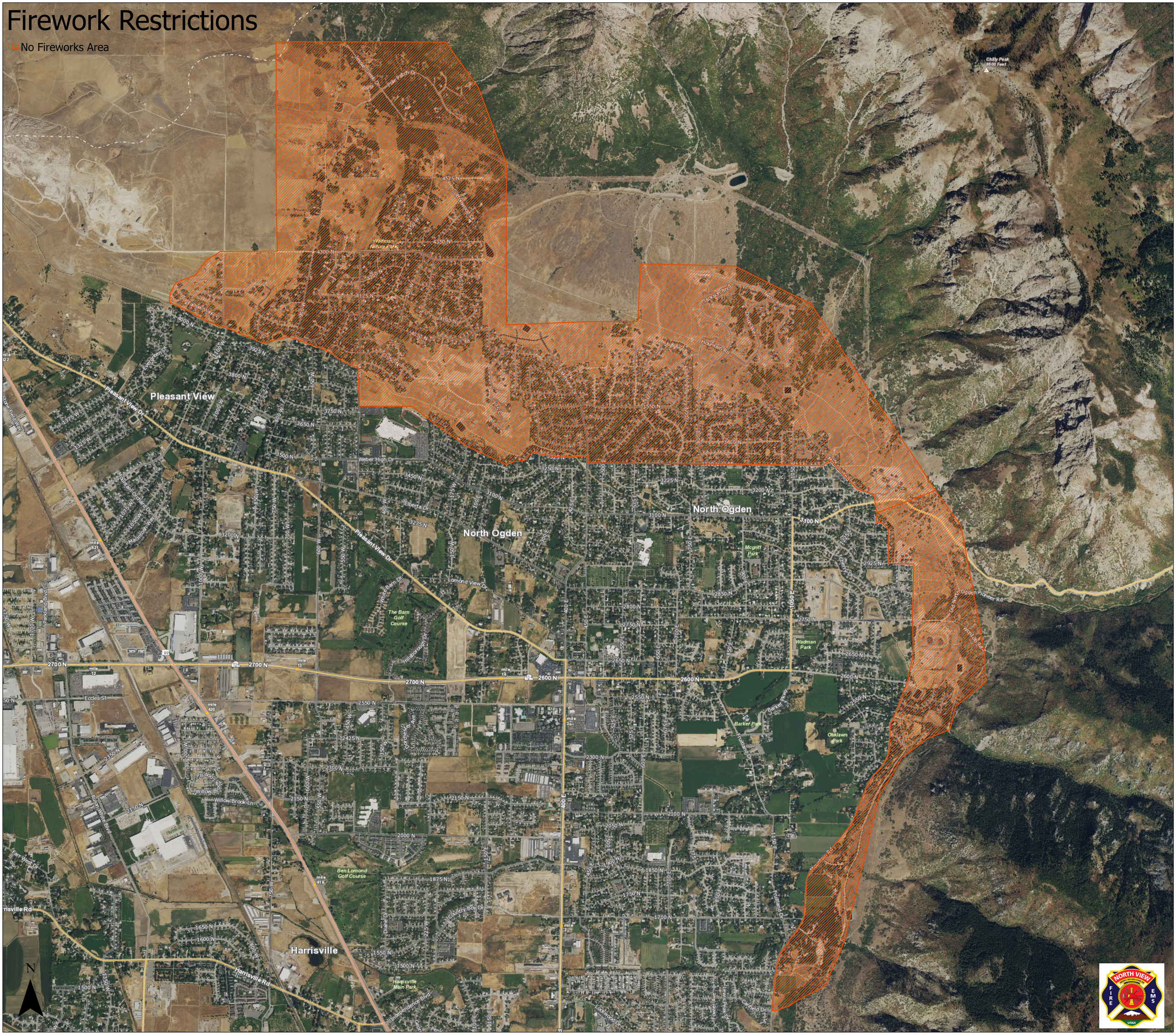
	Aye	Nay
Council Member Barker:	___	___
Council Member Cevering:	___	___
Council Member Ekstrom:	___	___
Council Member Stoker:	___	___
Council Member Swanson:	___	___
(In event of a tie vote of the Council):		
Mayor Berube	___	___

ATTEST:

_____
Susan Nance
City Recorder

Firework Restrictions

No Fireworks Area



EXISTING FIRE HAZARDS MAP

