

COTTONWOOD HEIGHTS

ORDINANCE NO. 275

AN ORDINANCE ADOPTING ADDITIONAL RESTRICTIONS ON THE USE OF FIREWORKS

WHEREAS, effective 14 January 2005, the city council (the "*Council*") of the city of Cottonwood Heights (the "*City*") adopted a code of ordinances (the "*Code*") for the City; and

WHEREAS, thereafter, the Council enacted its Ordinance Nos. 27, 46, 60, 90 and 191, and related amendments to Code chapters 9.75, 9.77 and 14.60, limiting the use of fireworks in the City due to the risk of fire-related injuries to persons and damage to public and private property; and

WHEREAS, high temperatures, low precipitation, and abundant foliage have combined to increase the risk of wildfire in the state of Utah, resulting in a recent request by Governor Gary Herbert for local government units to take such actions as may be legally permissible to prohibit fireworks, fires, and other activities that may result in wildfire; and

WHEREAS, pursuant to UTAH CODE ANN. sections 11-3-8 and 52-7-225, the Council's legal ability to restrict use of fireworks is limited; and

WHEREAS, after careful consideration of, *inter alia*, the recent request by Governor Herbert, recommendations of the Unified Fire Authority and other experts, public comment, and the Council's finding that the discharge of aerial fireworks rising over 15 feet from ground level or traveling laterally more than ten feet (collectively called "*Aerial Fireworks*") will materially increase the risk of fire-related injury to persons and/or damage to public and private property, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to enact additional restrictions on the use of Aerial Fireworks in the City through 29 December 2017; and

WHEREAS, the Council met in regular session on 11 July 2017 to consider, among other things, enacting additional restrictions on the use of Aerial Fireworks in the City as proposed; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to so enact additional restrictions on the use of Aerial Fireworks in the City;

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. **Prohibition of Aerial Fireworks Through 31 December 2017.** Due to unusually hazardous fire conditions currently existing throughout the City and the increased fire risk posed by Aerial Fireworks, the discharge of any and all Aerial Fireworks is prohibited throughout the City through 29 December 2017. Pursuant to UTAH CODE ANN. 52-7-225(5)(b), the City deems any contrary use of Aerial Fireworks to be negligent. The provisions of this Section 1 are subject to any contrary provisions of federal or state law.

Section 2. **Public Displays.** This Ordinance and the restrictions contained herein do not apply to the City's "Butlerville Days" civic celebration on 21-22 July 2017 because of adequate fire prevention measures that will be utilized in connection with such event.

Section 3. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 4. **Severability.** It is hereby declared that all parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 5. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 6. **Effective Date.** This Ordinance, assigned no. 275, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder, or such later date as may be required by Utah statute.

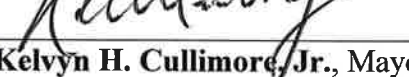
PASSED AND APPROVED this 11th day of July 2017.

ATTEST:

COTTONWOOD HEIGHTS CITY COUNCIL

By: 
Paula Melgar, Recorder



By: 
Kelvyn H. Cullimore, Jr., Mayor

VOTING:

| | | |
|--------------------------|---|------------------------------|
| Kelvyn H. Cullimore, Jr. | Yea <input checked="" type="checkbox"/> | Nay <input type="checkbox"/> |
| Michael L. Shelton | Yea <input checked="" type="checkbox"/> | Nay <input type="checkbox"/> |
| J. Scott Bracken | Yea <input checked="" type="checkbox"/> | Nay <input type="checkbox"/> |
| Michael J. Peterson | Yea <input checked="" type="checkbox"/> | Nay <input type="checkbox"/> |
| Tee W. Tyler | Yea <input checked="" type="checkbox"/> | Nay <input type="checkbox"/> |

DEPOSITED in the Recorder's office this 11th day of July 2017.

POSTED this 11 day of July 2017.