

COTTONWOOD HEIGHTS

ORDINANCE NO. 191

AN ORDINANCE AMENDING CHAPTERS 9.75 (PYROTECHNICS AND EXPLOSIVES) AND 14.60 (PARK AND PLAYGROUND USE REGULATIONS) OF THE COTTONWOOD HEIGHTS CODE OF ORDINANCES REGARDING UNAUTHORIZED DISCHARGE OF FIREWORKS ON PUBLIC PROPERTY

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 analyzed whether unauthorized discharge of fireworks in, on or over parks, playgrounds and other public property (collectively, "*Public Property*") in the City poses unnecessary risk of fire-related damage to public 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 usage of fireworks on private property 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 unauthorized discharge of fireworks on Public Property in the City will increase the risk of fire-related damage to public assets, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to amend Code chapters 9.75 ("*Chapter 9.75*") and 14.60 ("*Chapter 14.60*") to prohibit unauthorized discharge of fireworks on Public Property; and

WHEREAS, the Council met in regular session on 26 June 2012 to consider, among other things, amending Chapter 9.75 and Chapter 14.60 of the Code 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 amend Chapter 9.75 and Chapter 14.60 of the Code;

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

Section 1. **Amendment of Chapter 9.75.** The Council hereby amends Chapter 9.75 of the Code to re-title the chapter from "*Pyrotechnics and Explosives*" to "*Pyrotechnics, Explosives and Fireworks*" and to add the following as new section 9.75.040:

9.75.040 Unauthorized discharge of fireworks on public property prohibited.

Discharge of fireworks (as defined in UTAH CODE ANN. 53-7-202[10]) on or over any publicly-owned property in the city is prohibited unless such discharge is otherwise permitted by applicable state or federal law and the owner of such public property gives its prior written approval of such discharge.

Section 2. **Amendment of Chapter 14.60.** The Council hereby amends Chapter 14.60 of the Code by adding the following as new section 14.60.125:

14.60.125 Unauthorized discharge of fireworks prohibited.

Discharge of fireworks (as defined in UTAH CODE ANN. 53-7-202[10]) on or over any park or playground in the city is prohibited unless such discharge is otherwise permitted by applicable state or federal law and the owner of such public property gives its prior written approval of such discharge.

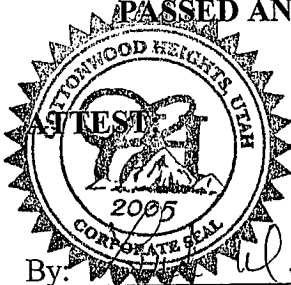
Section 3. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance No. 191 (this "Ordinance"), whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

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. 191, 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 26th day of June 2012.



By: Linda W. Dunlavy
Linda W. Dunlavy, Recorder

COTTONWOOD HEIGHTS CITY COUNCIL

By: Kelvyn H. Cullimore, Jr.
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 26th day of June 2012.

POSTED this 27 day of June 2012.

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