

# COTTONWOOD HEIGHTS

## ORDINANCE NO. 192

### AN ORDINANCE AMENDING AND RESTATING CHAPTER 9.77, COTTONWOOD HEIGHTS CODE (FIRE RESTRICTIONS IN WILDLAND INTERFACE AREAS)

**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**, following adoption of the Code, the Council determined that regulation of certain fires in wildland interface areas in the City is necessary to protect against wildfire risk in those areas; and

**WHEREAS**, effective 19 July 2005, the Council enacted Ordinance No. 27 prohibiting the discharge of fireworks, certain smoking in the open and the use of open fires in those portions of the City located to the East of Wasatch Boulevard; and

**WHEREAS**, effective 23 May 2006, the Council enacted Ordinance No. 46 affirming that the prohibitions specified in Ordinance No. 27 perpetually would remain in effect until such future time as the Council specifically amends or repeals such prohibitions through adoption of an ordinance specifically effecting such amendment or repeal; and

**WHEREAS**, effective 25 July 2006, the Council enacted Ordinance No. 60 expanding the prohibitions specified in Ordinance Nos. 27 and 46 to include Little Cottonwood Park, located at approximately 1763 East Siesta Drive in the City; and

**WHEREAS**, effective 26 June 2007, the Council enacted Ordinance No. 90 expanding the prohibitions in Ordinance Nos. 27, 46 and 60 to include certain additional wildland interface areas in the City; and

**WHEREAS**, on 12 February 2008, the Council enacted Ordinance 109 codifying the fire restrictions contained in Ordinance Nos. 27, 46, 60 and 90 by amending Title 9 of the Code to add new Chapter 9.77, entitled "Fire Restrictions in Wildland Interface Areas" ("*Chapter 9.77*"); and

**WHEREAS**, Unified Fire Authority ("*UFA*"), the City's fire enforcement authority, now has identified approximately 13 additional mountainous, brush-covered or forest-covered areas in the City which UFA has recommended to be included as protected wildland interface areas under Chapter 9.77, as authorized by the International Fire Code in effect in Utah; and

**WHEREAS**, UFA also recommends enhancing the protections for the City's wildland interface areas by prohibiting fireworks within 300' of any such area; and

**WHEREAS**, the Council met in regular session on 3 July 2012 to consider, among other things, amending and restating Chapter 9.77 to expand the wildland interface areas protected thereunder from fireworks, smoking in the open and the use of open fires, as proposed; and

WHEREAS, the Council has authority to expand Chapter 9.77's ban on fireworks, smoking in the open and the use of open fires under Utah state law and City ordinance; and

WHEREAS, after careful consideration of, *inter alia*, recommendations of the UFA and other experts, public comment, and the Council's finding that discharging fireworks, certain smoking in the open and using open fires in the geographical areas shown on attached Chart 9.77, or discharging aerial fireworks within 300' of such areas, will significantly increase the risk of potentially devastating wildfires in the City, 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 and restate Chapter 9.77 as proposed;

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

Section 1. Amendment and Restatement of Chapter 9.77. The Council hereby amends and restates Chapter 9.77 as shown on the attached exhibit.

Section 2. 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 (this "Ordinance"), whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 3. 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 4. Repealer. All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 5. Effective Date. This Ordinance, assigned no. 192, 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 2<sup>nd</sup> day of July 2012.

COTTONWOOD HEIGHTS CITY COUNCIL

By   
Kelyvn H. Cullmore, Jr., Mayor



  
Linda W. Dunlavy, Recorder

**VOTING:**

Kelvyn H. Cullimore, Jr.  
Michael L. Shelton  
J. Scott Bracken  
Michael J. Peterson  
Tee W. Tyler

Yea  Nay   
Yea  Nay   
Yea  Nay   
Yea  Nay   
Yea  Nay

**DEPOSITED** in the Recorder's office this 2<sup>nd</sup> day of July 2012.

**POSTED** this 2 day of July 2012.

581075.1

## Chapter 9.77

### FIRE RESTRICTIONS IN WILDLAND INTERFACE AREAS

#### Sections:

9.77.010 Findings.

9.77.020 Definitions.

9.77.030 Fire restrictions.

9.77.040 Exemptions.

9.77.050 Penalty.

#### Chart 9.77--Wildland Interface Areas

#### 9.77.010 Findings.

Based on, *inter alia*, recommendations of Unified Fire Authority, the city's fire enforcement authority, the city council finds that certain wildland interface areas exist in the city and that preservation of public health, safety and welfare requires the restriction of fireworks, smoking and other fires in such areas, and certain surrounding areas as specified below, to reduce the risk of potentially devastating wildfires in the city.

#### 9.77.020 Definitions.

As used in this chapter, the term "*wildland interface areas*" shall mean ravines, gullies, hillsides, vacant land, or mountainous areas where natural vegetation (oak brush, conifers, sage brush, and other indigenous trees and plants) exist such that a distinct fire hazard is clearly evident to a reasonable person. Without in any way limiting the generality of the foregoing, the following specific geographical areas in the city (which also are shown on Chart 9.77) shall be considered wildland interface areas:

- A. All areas in the city located to the East of Wasatch Boulevard;
- B. Little Cottonwood Park, located at approximately 1763 East Siesta Drive;
- C. The undeveloped McGhie Springs area currently owned by Murray City, located at approximately 3575 East Big Cottonwood Canyon Road as shown on Chart 9.77;
- D. The undeveloped area surrounding the proposed Old Mill Pond project currently owned by Salt Lake County and under development by the City as an urban fishery and related amenities, located at approximately 6660 South Big Cottonwood Canyon Road shown on Chart 9.77;
- E. The undeveloped hillside area at approximately 7000 South, and running from 3000 East, on the West, to Wasatch Blvd., on the East, above Old Mill Estates as shown on Chart 9.77;
- F. The undeveloped area comprising approximately 30 acres located West of Wasatch Blvd. at approximately 8282 South that currently is owned by Property Reserve, Inc. or another affiliate of the Church of Jesus Christ of Latter-Day Saints, as shown on Chart 9.77;
- G. The undeveloped area comprising approximately 40 acres located to the East of the Memorial Estates cemetery located at approximately 3115 East Bengal Blvd.;

H. West half of parcel defined as 7246 S Milne Lane and all of 7380 Milne Lane. Area located SE of the Waterside Condominiums and SW of Milne Lane at 7380 South;

I. Hillside area located NE of Milne Lane and East of the Shadow Ridge condominiums, turning east behind the Park Centre commercial complex and the Sante Fe apartments, turning north along the East side of the Sante Fe apartments;

J. Hillside area between Little Cottonwood Park and Highland Drive and along the West side of Highland Drive within the Forrest Creek Cove PUD;

K. Hillside area located below Brighton High School and Southland Terrace 8 and Southland Terrace 9 subdivisions;

L. Hillside area between Danish Road and Creek Road NW of Willowcreek East Plat A subdivision;

M. Hillside area below Finlandia subdivision, about 2950 E and 8150 South;

N. Hillside area wrapping around Danish Way within the Danish Hills PUD;

O. Undeveloped area located South of Scottish Drive and East of Danish Road at about 8450 South and 3300 East;

P. Hillside area along the west City boundary from 3450 South to 8700 South and the gully between Scottish Drive and Sugarloaf Drive;

Q. Underdeveloped area located in the Southern tip of Cottonwood Heights addressed as 9280 and 9310 South Wasatch Boulevard;

R. Hillside area west of Wasatch Boulevard at about 7450 South;

S. Hillside and underdeveloped area West of Wasatch Boulevard from the North City boundary to about 7100 South;

T. Hillside area located South and East of Hollow Mill Drive and Hollow Mill Park; and

U. All other wildland interface areas in the city as defined in this section.

#### **9.77.030 Fire restrictions.**

The following fire restrictions are imposed on and over, and within three hundred (300) feet of, all wildland interface areas in the city:

A. Setting, building, maintaining, attending or using open flames of any kind, except campfires built within the facilities provided for them in improved campgrounds, picnic areas or permanently improved places of habitation;

B. Smoking, except within an enclosed vehicle or building, a developed recreation site or while stopped in the center of an area of at least ten feet in diameter that is barren or cleared to mineral soil; and

C. Discharging or using any kind of fireworks, tracer ammunition or other pyrotechnic devices.

#### **9.77.040 Exemptions.**

The following persons are exempt from the prohibitions in section 9.77.030:

A. Persons with a permit from the city, from the state of Utah or the United States of America, specifically authorizing the prohibited act at the specific location; and

B. Any city, state or federal fire officer or firefighting forces (including, without limitation, the Unified Fire Authority) in the performance of an official duty.

**9.77.050 Penalty.**

Each violation of this chapter shall be a Class B misdemeanor.

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