

**Ordinance No. 13-21**

**AN ORDINANCE PROHIBITING OPEN FIRES AND THE USE OF FIREWORKS WITHIN PARK CITY DURING THE 2013 FIRE SEASON AND ADOPTING THE SUMMIT COUNTY PROCESS FOR RECOVERY OF COSTS FOR RESPONDING TO EMERGENCIES CAUSED BY AN AGGRAVATED FIRE EMERGENCY**

WHEREAS, the City Council of Park City Municipal Corporation, Utah, (herein "City"), in conjunction with the Park City Fire Marshal and the Park City Fire District, has a desire to reduce the threat of wild fires within the City limits; and

WHEREAS, based on the forecasted drought, the fire risk for the year 2013 is expected to be high from June 13th through October 31, 2013; and

WHEREAS, weather and natural resource conditions have combined with continuing drought to produce a very high level of light fuels (grasses and other light vegetation) in the Park City area; and

WHEREAS, the National Interagency Fire Center (NIFC) Predictive Unit is forecasting above normal potential for significant fire activity in the western states; and

WHEREAS, Park City and Summit County have the greatest amount of wildland urban interface in the state of Utah; and

WHEREAS, the City and the Fire District desire to reduce the risk of wild fires which may cause extensive damage within the City; and

WHEREAS, the use of explosive and other fireworks within the City substantially increase the risk of fires and under current conditions is a direct threat to the community at large; and

WHEREAS, the State of Utah has created the Utah Fireworks Act as found in U.C.A. Section 53-7-225 et seq. which allows discharge of Class C common state approved explosives from July 1<sup>st</sup> thru July 7<sup>th</sup> and July 21<sup>st</sup> thru July 27<sup>th</sup>; and

WHEREAS, pursuant to the authority of the Fire Marshal and U.C.A. Sections 10-8-56 and 84, it is the intent of the City Council to adopt a valid, time, place and manner regulations on the use of fireworks that do not conflict with U.C.A. Sections 53-7-220 through 53-7-225; and

WHEREAS, this ordinance based on specific and hazardous environmental factors identified by the Park City Fire Marshal and Park City Fire Code Official as being ripe for wildfire and is effective for only one "fire season" and is not a general or permanent regulation in conflict with U.C.A. Sections 53-7-220 through 53-7-225; and

WHEREAS, The Utah Division of Forestry, Fire and State Lands in consultation with local Fire Officials has designated all of Park City to be a Wildland Urban Interface area.

WHEREAS, pursuant to U.C.A. Section 53-7-225, the City Council has the authority to prohibit the ignition or use of any ignition source within the Wildland Urban Interface which includes all lands within the Park City limits.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Park City, Utah, as follows:

SECTION 1. FIRE SEASON. The City hereby finds and determines that the fire season for the year 2013 shall be from June 13, 2013 through October 31, 2013.

SECTION 2. LOCATION WITHIN PARK CITY. All the lands within the city limits of Park City are designated by the Utah Division of Forestry, Fire and State Lands as Wild Land Urban Interface and are included in this ordinance

SECTION 3. FIREWORKS. The use of any and all class "C" fireworks shall be prohibited within Park City during the entirety of the 2013 high risk fire season. Class "C" fireworks as defined by UTAH CODE ANN. ("U.C.A.") § 53-7-202(4)-(6) include:

- a) a firecracker, cannon cracker, salute, cherry bomb, or other similar explosive;
- b) a bottle rocket, skyrocket or any device other than a model rocket that uses combustible or explosive material;
- c) a roman candle or other device that discharges balls of fire;
- d) a tube or cone aerial firework that propels comets, shells, salutes, flash shells, or similar devices; and
- e) a chaser, whistler, or similar device.

Such prohibition shall not apply to displays expressly permitted by a special event license with a state licensed operator pursuant to U.C.A. § 53-7-223.

SECTION 4. OPEN FIRES. All open fires are prohibited during the 2013 high risk fire season. "Open fire" does not include use of LPG gas/natural gas and charcoal briquettes in approved fire pits.

SECTION 5. VIOLATIONS. Violations of this Ordinance shall be deemed a Class B misdemeanor and shall be punishable by a fine not to exceed \$1,000 for persons or \$5,000 for corporations, and/or imprisonment for a term not to exceed six (6) months.

SECTION 6. AGGRAVATED FIRE EMERGENCY. The City Council hereby adopts and extends the Summit County Code 5-4-10 to within the City limits. Additionally, an Aggravated Fire Emergency shall include a fire caused or contributed to by the failure to comply with state law, this Ordinance or an order from any City agency, department or official, or from the Park City Fire District.

SECTION 7. EFFECTIVE DATE; SEVERENCE CLAUSE. Due to immediate fire danger and the City Council's finding of necessity due to the immediate preservation of the peace, health and safety of the City, this Ordinance shall become effective immediately upon its approval and passage. If any provision of this ordinance or the application of any

provision of this ordinance is found invalid the remainder of this ordinance shall be given effect without the invalid provision or application.

Dated this 13<sup>th</sup> day of June, 2013.

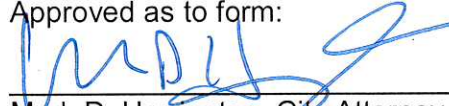
PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Mayor Dana Williams

Attest:

  
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Janet M. Scott, City Recorder

Approved as to form:

  
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Mark D. Harrington, City Attorney

