

Ordinance No. 12-17

AN ORDINANCE PROHIBITING OPEN FIRES AND THE USE OF FIREWORKS WITHIN PARK CITY DURING THE 2012 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, finds that hazardous environmental conditions currently exist which create an imminent fire risk, and therefore hereby determines it necessary to reduce the threat of wild fires within the City limits by limiting ignition sources such as fireworks and open fires for the fire season; and

WHEREAS, based on the forecasted drought, the fire risk for the year 2012 is expected to be high from June 28th through October 1, 2012; and

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

WHEREAS, there have been several fires in Summit County already this season and limited resources are available to respond to new fires due to existing capacity and statewide demands; 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 53-7-220 et seq. which allows purchase of Class C common state approved explosives from June 23th thru July 27th.

WHEREAS, pursuant to the authority of the Fire Marshall and U.C.A. Sections 10-8-47, 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 environmental factors identified by the Park City Fire Marshal 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.

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 2012 shall be from June 28, 2012 through October 1, 2012.

SECTION 2. FIREWORKS. The use of any and all class "C" fireworks shall be prohibited during the entirety of the 2012 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 3. OPEN FIRES. All open fires are prohibited during the 2012 high risk fire season. An "Open Fire" is defined as a fire which is not contained in a receptacle or structure specifically designed to contain the fire and prevent its spread outside the receptacle or structure. "Open Fire" does not include use of LPG gas/and charcoal briquettes in approved fire pits.

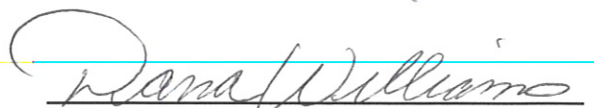
SECTION 4. VIOLATIONS. Violations of this Ordinance shall be deemed a Class B misdemeanor and shall be punishable by a fine not to exceed \$1,000 for persons or \$5,000 for corporations, and/or imprisonment for a term not to exceed six (6) months.

SECTION 5. 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 6. 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.

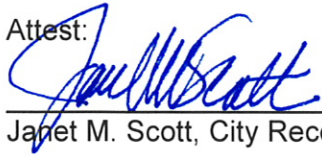
Dated this 28th day of June, 2012.

PARK CITY MUNICIPAL CORPORATION



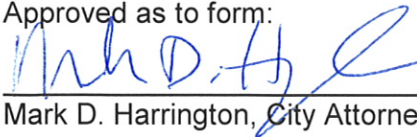
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney

