

# ENOCH CITY CORPORATION

ORDINANCE NO. 2012-06-28

## AN ORDINANCE ADOPTING RESTRICTIONS ON THE USE OF FIREWORKS WITHIN THE MUNICIPALITY.

**WHEREAS**, in 2011 the Utah legislature modified the state law by amending the types of fireworks which may be discharged in Utah which appears to have increased the use of fireworks within the City; and

**WHEREAS**, in 2012 State law changed the dates allowed for discharge; and

**WHEREAS**, there currently is and may be in the future a high risk of fire during the time when fireworks are allowed to be discharged; and

**WHEREAS**, the Governor of the State of Utah has recommended that cities and towns consider restricting fireworks due to high fire danger; and

**WHEREAS** the Council finds it is in the best interest of the municipality and the general health, safety and welfare of the public that this ordinance should be passed;

### **NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF ENOCH CITY AS FOLLOWS:**

**1. Definition.** All terms relating to fireworks used in this ordinance shall have the same meaning as they are defined in Utah Code Annotated 53-7-202 of the Utah Fire Prevention Act.

**2. Sale, Discharge and Possession of Certain Fireworks Restricted.**

a. It is unlawful and for any person to sell or offer for retail sale, or to discharge, or to have in their possession any fireworks in this municipality, other than class C common Utah State approved explosives used in accordance with, and only on the dates allowed, by Utah Code Annotated Sections 53-7-220 through 225; the rules adopted pursuant thereto; and this ordinance, except as otherwise permitted by State law.

b. Due to unusual extreme hazardous fire conditions throughout Enoch City and surrounding areas, the discharge of any and all fireworks including class C common fireworks is prohibited everywhere within the boundaries of Enoch City except at the Enoch City Office paved parking lot located at 900 E. Midvalley Road and at Enoch Elementary School west paved parking lot located on Tomahawk Drive.

**3. Enforcement.**

a. Every officer charged with enforcement of State and municipal laws including the Fire Marshal is hereby charged with the responsibility to enforce this ordinance.

b. Fireworks possessed, sold or offered for sale in violation of this ordinance may be seized and destroyed and the license of the person selling or offering fireworks for sale may be revoked.

**4. Punishment.** Violation of this ordinance shall be a class B misdemeanor punishable by both fine and imprisonment as set forth in Utah law.

**5. Effective Date.** This ordinance shall take effect immediately upon passing. This ordinance was made, voted upon, and passed by the Enoch City Council at an emergency City Council meeting held on the 28th day of June 2012. This resolution shall become effective immediately upon signing by the Mayor and City Recorder.

**DATED this 28th day of June 2012**

**VOTING:**

**ENOCH CITY CORPORATION**

Rick Bonzo	Yea ___	Nay ___
John Banks	Yea ___	Nay ___
Destry Griffiths	Yea ___	Nay ___
Kirk Lovell	Yea ___	Nay ___
Mike Olenslager	Yea ___	Nay ___

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Robert A. Rasmussen, Mayor

**ATTEST:**

**SEAL:**

\_\_\_\_\_  
Julie Watson, Recorder