

**ORDINANCE NO. 2013-20**

**AN ORDINANCE ADOPTING ALL STATE LAWS AND RULES PERTAINING TO THE SALE AND USE OF FIREWORKS WITHIN THE CORPORATE LIMITS OF VERNAL CITY BY AMENDING THE VERNAL CITY MUNICIPAL CODE, ADDING SECTION 9.64.020 - SALE AND DISCHARGE OF FIREWORKS - AND RESCINDING ORDINANCE NO. 2012-26.**

**WHEREAS**, in 2013 the Utah State Legislature modified State laws by amending laws pertaining to the sale and discharge of fireworks within the State, and;

**WHEREAS**, amendments were enacted by the 2013 Utah State Legislature regarding the process for a municipality to prohibit the discharge of fireworks, and;

**WHEREAS**, in 2012, the Vernal City Council adopted Ordinance No. 2012-26 regarding the use of fireworks within certain areas of Vernal City, and;

**WHEREAS**, it now has become necessary to rescind Ordinance No. 2012-26 and adopt Ordinance No. 2013-20 which is compliant with Utah State law.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF VERNAL CITY, UTAH AS FOLLOWS:**

**SECTION A.** Ordinance No. 2012-26 is hereby rescinded.

**Section 1.** Chapter 9.64 is hereby amended to read as follows

**9.64 STATE CRIMINAL CODE**

**Section 2.** A new Section 9.64.020 is hereby added to read as follows

**9.64.020 Sale and discharge of fireworks.**

A. Vernal City adopts by reference all Utah State laws and rules pertaining to the sale and discharge of Class C Common State approved fireworks.

B. That it is unlawful for any person to sell or discharge any Class C Common State approved fireworks not in compliance with Utah State laws and administrative rules adopted by the State of Utah.

C. That it is unlawful for any person to negligently discharge any Class C Common State approved fireworks in such a manner as to not be in strict compliance with the fireworks manufacturers guidelines and directions, and Utah State law and administrative rules adopted by the State of Utah.

D. In accordance with Utah Code Annotated 76-10-2701 and 10-8-24, Vernal City hereby prohibits the discharge of any aerial fireworks on Vernal City property unless specifically permitted by Vernal City.

**SECTION A. REPEALER.** All former ordinances or parts thereof conflicting or inconsistent

with the provisions of this ordinance or of the code are hereby repealed.

**SECTION B. SEVERABILITY.** The provisions of this ordinance shall be severable and if any provision thereof or the application of such provision under any circumstances is held invalid and it shall not affect the validity of any other provision of this ordinance or the application in a different circumstance.

**SECTION C. EFFECTIVE DATE.** This ordinance shall take effect the day after publication the 4th day of July, 2013.

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Mayor Gary Showalter

ATTEST:

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Kenneth L. Bassett, City Recorder

( S E A L )

Date of Publication: July 3, 2013