

ORDINANCE NO. 1495
AN ORDINANCE OF THE DRAPER CITY COUNCIL PROHIBITING THE
DISCHARGE OF FIREWORKS IN SPECIFIED AREAS

WHEREAS, Utah state law and the International Fire Code allow the legislative body of a municipality to prohibit the discharge of Class C common state approved explosives (“fireworks”) and other ignition sources in specified areas if the City Fire Marshal determines that existing hazardous environmental conditions necessitate controlled use of any ignition source, including fireworks; and

WHEREAS, the City Fire Marshal has declared that existing hazardous environmental conditions exist in certain areas of Draper City necessitate controlled use of any ignition source, including fireworks; and

WHEREAS, the areas identified by the City Fire Marshall include mountainous, brush-covered, forest-covered, or dry grass-covered areas; areas within 200 feet of waterways, trails, canyons, washes, ravines, or similar areas; the wildland urban interface area; and a limited area outside the hazardous areas described previously in this paragraph to facilitate a readily identifiable closed area; and

WHEREAS, the City Council finds that the minimal restrictions on public convenience which would occur through a restriction on the use of personal fireworks in designated areas is significantly outweighed by the need to protect the general health, safety and welfare of the public;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER, STATE OF UTAH, AS FOLLOWS:

SECTION I. Restrictions on Personal Fireworks. Pursuant to the provisions of Utah Code Ann. 15A-5-202.5 and based on the findings as noted above, the use of fireworks is prohibited east of 1300 East Street, south of 13800 South Street, west of Interstate 15, and in the area from 12300 South running north along 1000 East Street to the north city boundary, then following the city boundary west to 700 East Street, then north along 700 East Street to the north city boundary, then following the city boundary west to Interstate 15, then south to 11800 South Street, then east to the UTA TRAX line, then following the TRAX line to 12300 South Street, to be known as the Mehraban Wetlands area, from the Wetlands Area following the TRAX line east to 1300 East Street, also included as allowed in Utah Code Title 15A-5-202.5 Section 1.1.2, is the East Jordan Canal waterway with a 200’ buffer on either side through the remainder of the city, all as shown on the following map:

[The map is attached as Exhibit A]

SECTION II. Duration and Scope. This Ordinance shall remain in effect until October 15, 2021, unless terminated earlier by action of the City Council. This Ordinance shall not apply to permitted public fireworks displays authorized by the City and approved by the City Fire Marshal.

SECTION III. No Repealer. This Ordinance temporarily supersedes Draper City Municipal Code 6-6-020(D) and does not repeal the same.

SECTION IV. Severability. If any section, part, or provision of this Ordinance is held invalid, or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts, and provisions of this Ordinance shall be severable.

SECTION V. Penalty. In addition to any other fines, penalties, or liability permitted under Utah law, in accordance with Utah Code Ann. 53-7-225, a person is guilty of an infraction, punishable by a fine of up to \$1000, if a person discharges a Class C common state approved explosive in violation of this Ordinance.

SECTION VI. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or 30 days after final passage, whichever is closer to the date of final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THIS 23RD DAY OF JUNE, 2021.

ATTEST:

DRAPER CITY

Deputy City Recorder

Troy Walker, Mayor

VOTE TAKEN:

YES

NO

Councilmember Green

Councilmember T. Lowery

Councilmember F. Lowry

Councilmember Roberts

Councilmember Vawdrey

Mayor Walker

EXHIBIT A