

**ORDINANCE NO. 07-17-2012**

**AN ORDINANCE AMENDING THE WEST POINT CITY CODE BY ADOPTING SECTION 5.25.111 CREATING CERTAIN RESTRICTIONS ON FIREWORKS WITHIN WEST POINT CITY.**

**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 a ban on fireworks due to high fire danger; and

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

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST POINT CITY AS FOLLOWS:**

**Section 1. Definition.** All terms relating to fireworks used in this Ordinance shall have the same meaning as they are defined in Utah Code Ann. 53-7-202 of the Utah Fire Prevention Act and Title 5, Chapter 25 of the West Point City Code.

**Section 2. The West Point City Code is hereby amended by adding Section 5.25.111 to read as follows:**

**“5.25.111. 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 City, other than class C common Utah state approved explosives used in accordance with, and only on the dates allowed, by Utah Code Ann. Sections 53-7-220 through 225; the rules adopted pursuant thereto; and this Section, except as otherwise permitted by state law.

b. It is unlawful for any person to discharge any fireworks within 20 feet of any residence, dwelling, or structure.

c. Due to unusual extreme hazardous fire conditions in the City, the discharge of any and all fireworks including class C common fireworks is prohibited in the corporate boundaries of West Point City.

d. Every officer charged with enforcement of State and City laws, including the Fire Marshal is hereby charged with the responsibility to enforce this Section.

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

f. Violation of this Section shall be a Class B misdemeanor.”

**Section 3. Effect on other Ordinances.** This Ordinance shall supersede other West Point City Ordinances in conflict herewith and shall act as a temporary repeal of such conflicting Ordinances, if any, through the effective date.

**Section 4. 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 5. Effective Date.** For the preservation of public health and safety, this Ordinance shall become effective immediately upon its passage as authorized by Title 10, Chapter 3, Utah Code Annotated, 1953. This Ordinance shall remain in effect until November 30, 2012, unless sooner repealed by the West Point City Council or longer if extended by the City Council.

WEST POINT CITY

BY:

  
ERIC CRAYTHORNE  
Mayor

  
Misty Rogers  
Recorder

