

ORDINANCE #18-13

AN ORDINANCE AMENDING TITLE 8, CHAPTERS 5 AND 6, OF THE
REVISED ORDINANCES OF SANDY CITY REGARDING THE
DISCHARGE OF FIREWORKS WITHIN, INTO, OR OVER SPECIFIED
AREAS OF SANDY CITY AND ALSO PROVIDING A SAVING CLAUSE
AND AN EFFECTIVE DATE FOR THE ORDINANCE

WHEREAS, the 2018 Utah Legislature adopted House Bill 38, which authorizes municipalities to prohibit the discharge of fireworks in specific areas where existing or historic hazardous environmental conditions exist; and

WHEREAS, Sandy City's fire code official has determined that such existing hazardous environmental conditions exist within certain areas of the City meeting the statutory description; and

WHEREAS, on May 1, 2018, the City Council heard evidence from such official concerning hazardous environmental conditions within areas of the City and approved a map depicting areas of the City where the discharge of fireworks would be prohibited; and

WHEREAS, the City Council has determined the discharge of fireworks presents a significant risk of igniting fires, which necessitates control over the discharge of fireworks within, into, and over such areas; and

WHEREAS, the City Council has previously defined areas presenting particular ignition hazards; and

WHEREAS, the City Council wishes to update and define areas where the discharge of fireworks presents a significant hazard and to prohibit the discharge of fireworks within, into, and over such areas as described in City Ordinance and also as depicted on the map presented to the City Council; and

WHEREAS, pursuant to Utah Code § 10-8-47, § 15A-5-202.5, and § 53-7-225, the City has the authority to regulate the discharge of fireworks;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City, State of Utah, as follows:

Section 1. Title 8, Chapters 5 and 6 of the Revised Ordinances of Sandy City are hereby amended and replaced by the revised copy of Title 8, Chapters 5 and 6, which is attached hereto as **Exhibit A** and incorporated in this ordinance.

Section 2. The map depicting prohibited areas for the discharge of fireworks within the City, which is attached as **Exhibit B** and incorporated in this ordinance, is approved and adopted.

Section 3. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 4. The provisions of this ordinance shall be severable; and if any provision thereof, or the application of such provision under any circumstance is held invalid or unconstitutional by a court of competent jurisdiction, it shall not affect any other provision of this ordinance, or the application in a different circumstance.

Section 5. This ordinance shall become effective upon publication of a summary thereof.

PASSED AND APPROVED by the Sandy City Council this ____ day of _____, 2018.

Linda Martinez Saville, Chairman
Sandy City Council

PRESENTED to the Mayor this ____ day of _____, 2018.

APPROVED by the Mayor this ____ day of _____, 2018.

Kurt Bradburn, Mayor

ATTEST:

City Recorder

RECORDED this ____ day of _____, 2018.

SUMMARY PUBLISHED this ____ day of _____, 2018.

Exhibit A

Exhibit B