

THE CITY OF MOAB ORDINANCE 2019-20
A Municipal Corporation

**AN ORDINANCE IMPOSING A TEMPORARY BAN ON THE DISCHARGE OF
FIREWORKS WITHIN CERTAIN AREAS OF THE CITY.**

The following findings describe the intent and purpose of this ordinance:

- a. Sections §15A-5-202.5 and §53-7-225 of the Utah Code provide that cities may prohibit the use of ignition sources, including fireworks, in fire risk areas when climatic conditions present a risk of fire.
- b. The City has serious concerns of the safety and welfare of its residents and visitors.
- c. Historically, the City has had problems with fireworks starting dangerous fires in overgrown and riparian areas within the City, including areas near Pack Creek and Mill Creek. The City finds these areas are particularly prone to fire.
- d. Areas surrounding the City have imposed fire restrictions due to extremely dry conditions and enhanced risk of fire. Fire restrictions are currently in place in the Manti-La Sal National Forest, Bureau of Land Management lands, National Parks Service lands, and State of Utah lands in Grand and San Juan Counties.
- e. The City has determined that due to extreme dry conditions and the enhanced risk of fire, the City needs to impose a temporary ban on discharge of all fireworks in certain areas, including some City parks, parkways, and riparian areas, and to prohibit the possession, sale, or discharge of dangerous fireworks in all areas.
- f. The City has determined that the discharge of aerial and/or explosive fireworks would be careless and negligent given the current conditions.

Therefore, the City of Moab enacts the following:

1. **Purpose.** The purpose of this ordinance is to enact a ban on the discharge of certain fireworks throughout the entire limits of the City of Moab, except where indicated herein, and to ban the discharge of other types of fireworks in areas that are particularly susceptible to fire, as authorized by U.C.A. §15A-5-205.5 and §53-7-225.

2. **Definitions.** Fireworks not allowed in City limits (Prohibited Fireworks) include those that fly, explode (report), or travel more than six (6) feet off the ground. Prohibited Fireworks include those identified or defined in U.C.A. §53-7-202(6)(a) as Class C dangerous explosives. Prohibited Fireworks includes aerial shells, salutes, roman candles, flash shells, comets, mortars, firecrackers, bottle rockets, aerial rockets (including those with fins or sticks for guidance), fireworks containing 500 grams or more of pyrotechnic material, and other similar explosives.

3. **Ban on the Discharge of Prohibited Fireworks.** It is unlawful for any person to discharge any Prohibited Fireworks within the Moab City limits.

4. **Discharge of all Fireworks prohibited in Certain Areas.** It is unlawful to discharge all fireworks over or within City parks, excluding the City ball fields located on Center Street where fireworks are allowed, parkways, public trails, pedestrian paths, or over or within two hundred feet of Pack Creek or Mill Creek within the City limits, as shown in the map attached as Exhibit 1.

a. Additionally, it is unlawful to discharge any fireworks within twenty (20) feet of any residence, building, structure or combustible material.

5. **Retailers to Display Maps.** All fireworks retailers shall display in a prominent location the maps contained in this ordinance showing the locations where the discharge of fireworks is prohibited.

6. **Effective Date.** This Ordinance shall take effect immediately upon passage, regardless, of the date of publication, and shall continue until repealed.

7. **Enforcement.** Any person violating this ordinance is guilty of an infraction, which may be punishable by a fine of up to one thousand dollars (\$1,000) per violation. Additionally, Prohibited

Fireworks are subject to seizure and destruction by law enforcement officials, the Moab Police Department is authorized to carry out and enforce this ordinance.

PASSED AND ADOPTED by the City Council of Moab, Utah, this 25th day of June 2019.

ATTEST:



Emily Niehaus
Mayor



Sommar Johnson
City Recorder