

TOQUERVILLE CITY
ORDINANCE 2021.11



AN ORDINANCE TEMPORARILY BANNING THE DISCHARGE OF FIREWORKS WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY AND SETTING A CRIMINAL PENALTY FOR VIOLATING SAID BAN.

RECITALS

WHEREAS, Toquerville City (“City”) is an incorporated municipality duly organized and existing under the laws of the State of Utah;

WHEREAS, pursuant to Utah Code Annotated, Title 10, Chapter 3b, Section 301, the Toquerville City Council (“City Council”) is designated as the governing body of the City.

WHEREAS, the City is located within the service area of the Hurricane Valley Fire District, a Utah special service district created for the purpose of providing fire protection services and emergency medical services (“EMS”) to the Eastern portion of Washington County (“HVFD”).

WHEREAS, weather and natural resource conditions have combined through the winter of 2020 and the spring of 2021 to create a scenario where light fuels (such as grasses and other small vegetation) which grew initially this spring, have now died back and snow pack and water levels in area reservoirs are forecasted to reach a 50 year low.

WHEREAS, the National Interagency Fire Center (“NIFC”) Predictive Unit is forecasting an above normal potential for significant fire activity throughout the Western United States and Southwestern Utah.

WHEREAS, many municipalities and counties within Southwestern Utah, working in conjunction with their own fire departments or regional fire agencies have implemented restrictions on fires and activities which might ignite fires.

WHEREAS, the use of explosives and other fireworks within the City substantially increases the risk of fires under current conditions and the City Council finds this to be a direct threat to the health, safety and general welfare of the residents of the City and their property.

WHEREAS, there is significant public lands which are adjacent to, or near, the boundaries of the City.

WHEREAS, Utah Code Ann. §§15A-5-202.5 and 53-7-225 provide that cities and towns may prohibit the use of ignition sources, including fireworks in high risk areas.

WHEREAS, in consultation with the HVFD and Utah State Fire Marshall it has been determined that due to the severe drought and high fuel conditions within and surrounding the City coupled with the limited interagency fire protection resources throughout the State of Utah and the Western United States, that all areas within the City are considered high risk presently.



WHEREAS, the City Council has determined that allowing residents and visitors to discharge fireworks within the City boundaries under the present conditions would be careless and negligent.

ORDINANCE


NOW THEREFORE BE IT ORDAINED BY THE TOQUERVILLE CITY COUNCIL, based upon the Recitals set forth above, that:

1. Temporary Prohibition on the Discharge Fireworks Within the City. The discharge of Fireworks as defined in Utah Code Ann. §53-7-202 anywhere within the municipal boundaries of the City is hereby immediately prohibited until this temporary ban is lifted by a proper vote of the City Council.
2. Violation. Violations of this Ordinance shall be deemed a Class B Misdemeanor and shall be punishable as provided for in the Toquerville City Code.
3. Repealer. This Ordinance supersedes or repeals the provisions of any ordinance or resolution of the City that is inconsistent with the provisions of this Ordinance.
4. Savings Clause. If any provision or clause in this Ordinance or the application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications hereof which can be implemented without the invalid provision, clause, or application hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.
5. Effective Date. Due to the immediate fire danger and the City Council's finding of necessity and high risk to the health, safety and general welfare of the City, its residents and nearby public lands, this Ordinance shall become effective immediately upon adoption by the City Council.

ADOPTED AND ORDAINED BY THE TOQUERVILLE CITY COUNCIL this 28th day of June, 2021, and ratified at the regular Work Meeting on July 7th, 2021 based upon the following vote:

John 'Chuck' Williams	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Absent/Abstain <input type="checkbox"/>
Keen Ellsworth	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Absent/Abstain <input type="checkbox"/>
Justin Sip	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Absent/Abstain <input type="checkbox"/>
Gary Chaves	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Absent/Abstain <input type="checkbox"/>
Ty Bringhurst	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Absent/Abstain <input type="checkbox"/>

TOQUERVILLE CITY
a Utah municipal corporation


Keen Ellsworth, Mayor *pro tem*

Attest:


Ruth Evans, City Clerk/Recorder

