

ORDINANCE NO. 06-02-2018

AN ORDINANCE AMENDING "TITLE 4 CHAPTER 1 PARAGRAPH 6: FIREWORKS" OF THE SANTAQUIN CITY CODE, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Santaquin is a fourth class city of the State of Utah; and

WHEREAS, cities in the State of Utah are authorized to enact ordinances to promote and protect the health, safety and welfare of the community; and

WHEREAS, the Santaquin City Council previously adopted an ordinance regarding the use of fireworks to protect the public health, safety and welfare of its residents and desires now to modify those regulations;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANTAQUIN, UTAH, THAT:

Section I: Section 4-1-6 of the Santaquin City Code is hereby amended to read as follows: (Underlined text is added—lined out text is stricken)

- A. Sale: Subject to federal, state, and local laws and ordinances governing such sales, to include applicable zoning and business license regulations, and as provided by state law governing the periods during when such sales may occur, class C common state approved explosives may be sold within Santaquin each year: 1) beginning on June 2423, and ending on July 2527; 2) beginning on December 29, and ending on December 31; and 3) two (2) days before and on the eve of the Chinese New Year.
- B. Unlawful Discharge Of Fireworks: It shall be unlawful for any person to use and/or discharge fireworks except as expressly permitted in subsection C of this section.
- C. Permitted Use Periods And Stages: In the event that the Santaquin City Fire Chief~~city council~~ finds further restrictions are necessary for the protection of public health, safety, and welfare, the Santaquin City Fire Chief~~Chief council~~ may further restrict the use of fireworks, pursuant to the authority granted to the city under Utah Code Annotated 10-8-47, as follows:

1. Subject to the above prohibition on the discharge of fireworks, the following stages shall apply to the discharge of class C common state approved fireworks and display fireworks, which stages (and duration thereof), except for stage one, shall be set by a declaration of the Santaquin City Fire Chief~~resolution of the Santaquin City council~~, depending on the climatic conditions existing at a given time:

a. Stage One; Limited Restrictions: Unless stage restrictions are declared by the Santaquin City Fire Chief~~resolution of the city council~~, the provisions of this subsection shall apply. During a period of stage one restrictions:

(1) Except where expressly prohibited by federal, state or local law or ordinance, or where otherwise posted, and subject to the provisions of subsection C1a(2) of this section, persons exercising reasonable caution and prudence may discharge class C common state approved explosives each year as follows:

(A) Between the hours of eleven o'clock (11:00) A.M. and midnight (12:00) A.M. ~~eleven fifty nine o'clock (11:59) P.M.~~ on July 4 and July 24; and

(B) Between the hours of eleven o'clock (11:00) A.M. and eleven o'clock (11:00) P.M., beginning on July 24 and ending on July 57, and beginning on July 2224 and ending on July 2527, except as set forth in subsection C1a(1)(A) of this section; and

(C) Beginning at eleven o'clock (11:00) A.M. on December 31 and ending at one o'clock (1:00) A.M. on January 1; unless New Year's Eve falls on a Sunday and the city ~~council has, by resolution,~~has designated the Saturday preceding New Year's Day as the date upon which to celebrate New Year's Eve in Santaquin, in which case such discharge may commence at eleven o'clock (11:00) A.M. on said Saturday;

(D) Between the hours of eleven o'clock (11:00) A.M. on the eve of the Chinese New Year and one o'clock (1:00) A.M. of the day of the Chinese New Year.

(2) During the dates or time periods set forth in subsection C1a(1) of this section, no class C common state approved explosives may be discharged within the jurisdictional limits of the city:

(A) By persons not exercising reasonable caution and prudence; or

(B) In violation of park curfews or noise ordinances adopted by the city.

(3) The city, as part of a community sponsored event, may discharge: a) class C common state approved fireworks and b) display fireworks at such times and places as permitted by state law and in connection with community sponsored events, to include, but not be limited to, the periods allowed by law from June 23 through July 27; during city's annual celebration activities; on December 31 and January 1; and on the day before and the day of the Chinese New Year.

b. Stage Two; Enhanced Restrictions: During a period of stage two restrictions:

(1) Except where expressly prohibited by federal, state or local law or ordinance, or where otherwise posted, and subject to the provisions of subsection C1b(2) of this section, persons exercising reasonable caution and prudence may only discharge class C common state approved fireworks within the jurisdictional boundaries of Santaquin, at location(s) and during such time frame(s) as specifically designated by Santaquin City which may be coextensive with, or for a portion of or set of dates and/or times within, the following time periods:

(A) Between the hours of eleven o'clock (11:00) A.M. and midnight (12:00) A.M. ~~eleven fifty nine o'clock (11:59) P.M.~~ on July 4 and July 24; and

(B) Between the hours of eleven o'clock (11:00) A.M. and eleven o'clock (11:00) P.M., beginning on July 24 and ending on July 57, and beginning on July 2224 and ending on July 2527, except as set forth in subsection C1b(1)(A) of this section; and

(C) Beginning at eleven o'clock (11:00) A.M. on December 31 and ending at one o'clock (1:00) A.M. on January 1; unless New Year's Eve falls on a Sunday and the city ~~council has, by resolution, has~~ designated the Saturday preceding New Year's Day as the date upon which to celebrate New Year's Eve in Santaquin, in which case such discharge may commence at eleven o'clock (11:00) A.M. on said Saturday;

(D) Between the hours of eleven o'clock (11:00) A.M. on the eve of the Chinese New Year and one o'clock (1:00) A.M. of the day of the Chinese New Year.

(2) During the dates or time periods set forth in subsection C1b(1) of this section, no class C common state approved explosives may be discharged within the jurisdictional limits of the city:

(A) By persons not exercising reasonable caution and prudence; or

(B) In violation of park curfews or noise ordinances adopted by the city.

(3) The city, as part of a community sponsored event, may discharge: a) class C common state approved fireworks and b) display fireworks at such times and places as permitted by state law and in connection with community sponsored events, to include, but not be limited to, the periods allowed by law from June 23 through July 27; during city's annual celebration activities; on December 31 and January 1; and on the day before and the day of the Chinese New Year.

c. Stage Three; Restricted To City Use: During a period of stage three restrictions:

(1) The use and/or discharge of fireworks within the jurisdictional boundaries of Santaquin City shall be restricted to city use only. Discharge of class C

common state approved fireworks or display fireworks shall be limited to professional pyrotechnic displays at community sponsored events and by licensed display operators; and may be used and/or discharged at such times and places as permitted by state law and in connection with community sponsored events, to include, but not be limited to, the periods allowed by law from July 2nd through July 5th, and July 22nd and July 25th, ~~June 23 through July 27~~; during city's annual celebration activities; on December 31 and January 1; and at 11 a.m. on the day before and the day of the Chinese New Year and ending at 1 a.m. on the following day.

(2) It shall be unlawful for persons to discharge fireworks of any kind within the jurisdictional limits of the city.

d. Stage Four; Full Restriction: It shall be unlawful to discharge fireworks of any kind anywhere within the jurisdictional boundaries of Santaquin City during a period of stage four restrictions.

Section II. Contrary Provisions Repealed. Any and all other provisions of the Santaquin City Code that are contrary to the provisions of this Ordinance are hereby repealed.

Section III. Codification, Inclusion in the Code, and Scrivener's Errors. It is the intent of the City Council that the provisions of this ordinance be made part of the Santaquin City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, and that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Sections of the ordinance may be re-numbered or re-lettered. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

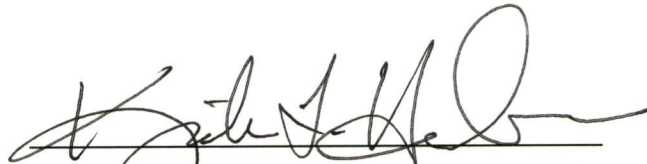
Section IV. Severability. If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section V. Posting and Effective Date. Prior to 5:00 p.m. on June ____, 2018, the City Recorder shall: (a) deposit a copy of this ordinance in the official records of the City;

and (b) post a copy of this ordinance in three places within the City. This ordinance shall become effective at 5:00 p.m. on June ____, 2018.

ADOPTED by the Santaquin City Council this 6 day of June, 2018.





Mayor Kirk F. Hunsaker

Attest:



Susan B. Farnsworth

Susan B. Farnsworth

Santaquin City Recorder

Councilmember Keith Broadhead	Voted <u>Absent</u>
Councilmember Lynn Mecham	Voted <u>yes</u>
Councilmember Nick Miller	Voted <u>yes</u>
Councilmember Elizabeth Montoya	Voted <u>yes</u>
Councilmember Chelsea Rowley	Voted <u>Absent</u>