

CITY OF MOAB ORDINANCE 2018-13

AN ORDINANCE IMPOSING A TEMPORARY BAN ON THE DISCHARGE OF FIREWORKS WITHIN 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 climactic 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 that these areas are particularly prone to fire.
- d. Areas surrounding the City have imposed fire restrictions due to the extremely dry conditions and enhanced risk of fire. Fire restrictions are currently in place in the Manti-La National Forest, Bureau of Land Management lands, National Park 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 the discharge of all fireworks in certain areas, including 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, 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 Sale, Possession, or Discharge of Prohibited Fireworks.** It is unlawful for any person to possess, sell, or 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 all City parks, 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.

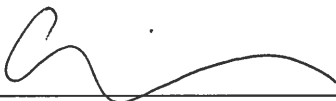
5. **Retailers to Display Maps.** All fireworks retailers shall display in a prominent location the maps contained in this ordinance showing the locations where the discharge of fireworks is prohibited.

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 Moab City Council on this 12th day of June, 2018.

SIGNED:



Emily Niehaus, Mayor

ATTEST



Rachel Stenta, Recorder

2018 Moab City Fireworks Prohibition Map

0 0.25 0.5 0.75 1 Miles








3" = 1 Mile



Legend

-  Creeks
-  Moab City Limits

Prohibited Areas

-  200' From Creek Buffer
-  City of Moab
-  Utah
- Downtown Trails**
-  Asphalt
-  Bridge
-  Concrete
-  Underpass

