

VIRGIN TOWN

ORDINANCE # 2021-55

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

RECITALS

WHEREAS, Virgin Town (“Town”) 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 Virgin Town Council (“Virgin Town Council”) is designated as the governing body of the Town.

WHEREAS, the Town 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 Town substantially increases the risk of fires under current conditions and the Virgin Town Council finds this to be a direct threat to the health, safety and general welfare of the residents of the Town and their property.

WHEREAS, there is significant public lands, including Zions National Park, which are adjacent to, or near, the boundaries of the Town.

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 Town coupled with the limited interagency fire protection resources throughout the State of Utah and the Western US, that all areas within the Town are considered high risk presently.

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

ORDINANCE

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

1. Temporary Prohibition on the Discharge Fireworks Within the Town. The discharge of Fireworks as defined in Utah Code Ann. §53-7-202 anywhere within the municipal boundaries of the Town is hereby immediately prohibited until this temporary ban is lifted by a proper vote of the Town Council.
2. Violation. Violations of this Ordinance shall be deemed a Class B Misdemeanor and shall be punishable as provided for in the Virgin Town Code.
3. Repealer. This Ordinance supersedes or repeals the provisions of any ordinance or resolution of the Town 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 Town Council's finding of necessity and high risk to the health, safety and general welfare of the Town, its residents and nearby public lands, this Ordinance shall become effective immediately upon adoption by the Town Council.

ADOPTED AND ORDAINED BY THE VIRGIN TOWN COUNCIL this 23rd day of June, 2021 based upon the following vote:

Council Member:

Gene Garate	AYE_____	NAE_____
LeRoy Thompson	AYE_____	NAE_____
Kevin Stout	AYE_____	NAE_____
Jay Lee	AYE_____	NAE_____
Matthew Spendlove, Mayor	AYE_____	NAE_____

VIRGIN TOWN
a Utah municipal corporation

Attest:

Matthew Spendlove, Mayor

Krystal Percival, Town Clerk/Recorder