



concerning outside fires, outside smoking, sparking machinery, and sky lanterns. He questioned if individuals who smoke outside on their property will need to smoke inside and whether regulating spark generated equipment would hold up construction projects throughout the city. He was also concerned about who would be enforcing such regulations.

City Attorney Jayme Blakesley explained this is a legislative decision for the City Council. He remarked if the City Council wanted a less restrictive ordinance, then that was within their prerogative to amend the draft. He then explained the term “controlled use of any ignition source” comes directly from state statute. It does not define ignition source exhaustively but provides some examples. The ignitions sources listed in the ordinance were recommended by Chief Tolman as the types that may pose problems.

Chief Tolman described the extreme fire conditions this year. He reviewed the city adopted the Wildland Urban Interface (WUI) fire code approximately four years ago, which provides guidance. He expressed if the City Council felt strongly enough to take these actions, then all things listed in the state code that are a significant hazard should be included. He acknowledged the WUI fire code is followed every year by the city, regardless of extreme fire conditions.

Councilman Winsor was not comfortable telling people they cannot smoke on their property. Chief Tolman advised the Council needed to draw a line in the sand as to what they will and will not allow. Councilman Winsor argued fireworks having sparks that cannot be controlled does not compare to a person smoking. Chief Tolman commented the State Fire Marshal communicated if any city restricts more than what state code allows and the city chooses items from state code or the WUI rather than all-inclusive ban, then lawsuits become a real possibility. Councilman Soderquist related the WUI lists exceptions for items creating sparks except for fireworks. He reviewed the unique safety hazards with the city being located in the mouth of a canyon where wind is prevalent and can escalate a fire quickly. He suggested using the language in the WUI which advises everyone to be cautious when within 30 ft. of dry brush. Councilwomen Alberts and Petty agreed.

Jayme suggested Section 1 to be amended as follows:

**Section 1. Prohibition on Personal Fireworks.** Pursuant to the provisions of the *Utah Code Ann.* 15A-5-202.5, and based on the findings as noted above, the use of fireworks is hereby prohibited in all areas of South Weber City. This restriction shall remain in effect until October 15, 2021, unless earlier terminated by action of the City Council. This prohibition shall not apply to permitted public fireworks displays authorized by the City and approved by the City’s fire code official.

Mayor Sjoblom asked Jayme for his advice concerning whether this will open the city up for possible litigation. Jayme expressed litigation is a concern, but the state code does not prohibit a city-wide ban of fireworks. He can see how other attorneys might read it that way because it has a criterion by which you have to establish those areas where fireworks can be restricted. First, you need a determination from the city fire chief that the conditions in the city are high risk for fire which Chief Tolman has presented. He commented there is the criteria that was discussed in the last Council Meeting concerning mountainous, brush covered, forest covered, or dry grass covered areas within 200’ of waterways, trails, canyons, washes, ravines, or similar areas, and the wildlife land urban interface area. The statute allows, if it is not feasible to draw a bright line, you can error a little bit beyond those areas if necessary. It was his understanding from the

Council last week that much of the city falls within those categories and it was only feasible to draw a bright line by restricting the use of fireworks within the city as a whole.

Councilman Soderquist added he was not sure individuals understand the WUI restrictions and questioned if that information should be included. Councilman Winsor suggested sending out a public service announcement with that information and keeping this ordinance specific to just fireworks.

Councilwoman Petty asked about sky lanterns. Chief Tolman cautioned sky lanterns are more dangerous than fireworks. After a brief explanation of what they are and the similar danger they present, the Council agreed they should be banned.

**Councilman Soderquist moved to approve Ordinance 2021-09 Restricting Personal Fireworks as amended. Councilwoman Alberts seconded the motion. Mayor Sjoblom called for the vote. Council Members Alberts, Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.**

**CLOSED SESSION held pursuant to the provision of UCA section 52-4-205 (1) (d)**


**2. Discuss the purchase, exchange, or lease of real property**

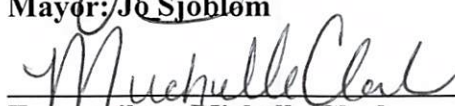
Councilwoman Alberts moved to adjourn the Council Meeting at 6:22 p.m. and go into **CLOSED SESSION** held pursuant to the provision of UCA section 52-4-205 (1) (d) to discuss the purchase, exchange, or lease of real property. Councilman Winsor seconded the motion. Mayor Sjoblom called for the vote. Council Members Alberts, Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.

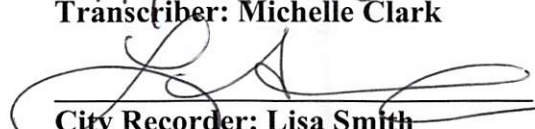
**18. Return to Open Meeting and Adjourn**

Councilman Winsor moved to open the Council Meeting at 7:41 p.m. Councilwoman Petty seconded the motion. Mayor Sjoblom called for the vote. Council Members Alberts, Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.

**ADJOURN:** Councilwoman Petty moved to adjourn the Council Meeting at 7:41 p.m. Councilman Soderquist seconded the motion. Mayor Sjoblom called for the vote. Council Members Alberts, Halverson, Petty, Soderquist, and Winsor voted aye. The motion carried.

**APPROVED:**  \_\_\_\_\_ Date 07-20-2021  
 Mayor: **Jo Sjoblom**

 \_\_\_\_\_  
 Transcriber: **Michelle Clark**

Attest:  \_\_\_\_\_  
 City Recorder: **Lisa Smith**