

ULCT RESOLUTION 2016-001A

(A)Resolution Title/Subject:

A resolution of the Utah League of Cities and Towns regarding the regulation of fireworks.

(B)We, the members of the Utah League of Cities and Towns find:

1. Whereas, the Utah League of Cities and Towns supports the long-standing tradition of using private and public fireworks to celebrate State and Federal holidays.
2. Whereas, several years ago the Utah State Legislature passed legislation that greatly expanded the scope and nature of fireworks allowed within the State, and the number of days on which those fireworks may be discharged. That same legislation restricted the ability of local cities and counties to regulate the use of fireworks within their respective jurisdictions.
3. Whereas, current State law allows for the purchase and discharge of almost any variety or size of fireworks, many of which are unsafe for private use or for use in residential neighborhoods. Those legal fireworks also create a high risk of wildfires in foothill, mountainous and rural areas.
4. Whereas, we the members of the Utah League of Cities and Towns find that although State law prohibits cities and towns from adopting ordinances or regulations for the sale and discharge of fireworks that conflict with State regulations, many Cities and Towns attempt to enact regulations for the discharge of fireworks the best they knew how and in an effort to decrease fire danger as well as personal or property loss; and
5. Whereas, current State law also allows for those fireworks to be discharged on certain specified holidays, and for three days before and three days after the holiday. In the month of July, where there are two legal holidays, the use of these fireworks is allowed for 14 days during the month.
6. Whereas, during the past few years record high temperatures and low precipitation have dramatically increased the risk of wildfires within the State, and this increase in the nature and duration of fireworks creates a significant risk to public safety.
7. Whereas, many citizens have complained that this increased firework activity has created significant problems with domestic animals and livestock who are often traumatized by the bright lights and loud noises that accompany these fireworks, which is only made worse by the extended duration of the firework activity.
8. Whereas, Cities and Towns throughout the State of Utah determine that the private discharge of aerial fireworks as allowed by State law in 2011 creates serious concerns for public safety, placing both persons and property at high risk; and
9. Whereas, this increased use of fireworks also has a significant negative impact upon local air quality.

10. Whereas, many citizens have complained to their local elected officials about these problems, but due to the nature of the State legislation, local governments have been deprived of any meaningful authority to address these issues.

11. Whereas, Cities and Towns further realize that because current State law determines how restrictive local governments can be in regulating fireworks in their own respective jurisdictions, being able to regulate the discharge of fireworks within local government jurisdictions is very difficult if not impossible for local governments in their efforts to provide for their own public safety.

Now, therefore, we the members of the Utah League of Cities and Towns recommend that:

1. UCA 11-3-8 be amended which currently prohibits cities and towns from adopting ordinances or regulations that conflict with UCA 53-7-220 through 53-7-225, in such a way as to allow individual cities and towns to adopt ordinances or regulations that appropriately address the needs and concerns of each city or town and which are not any more liberal than what State law allows.

2. For example, the Utah State Legislature could modify the current State fireworks regulations to: (a) Restrict the scope and the nature of legal fireworks within the State of Utah; (b) Reduce the number of days that fireworks are allowed to be discharged; and (c) Restore the authority of local cities and counties to regulate fireworks within their respective jurisdictions as necessary to protect public safety.

3. We request that League staff take such action as may be necessary or appropriate to implement the provisions identified in this resolution.

Salt Lake County Council of Governments
Carmen Freeman, Chair
Mayor of Herriman City

Vernal City
Sonja Norton, Mayor
Ken Bassett, City Manager