



ORDINANCE 2026-20

AN ORDINANCE REPEALING MIDWAY CITY CODE SECTION 5.02.120 REGARDING FIREWORKS AND ENACTING TITLE 5, CHAPTER 5.07, GENERAL FIRE AND FIREWORKS RESTRICTIONS

WHEREAS, Midway City (the "City") is a municipality located in Wasatch County, State of Utah;

WHEREAS, the Midway City Council is the legislative body of the City;

WHEREAS, the City is served for fire suppression, fire prevention, fire inspection, and emergency response purposes by the Wasatch County Fire Protection Special Service District, commonly known as the Wasatch Fire District;

WHEREAS, the City currently addresses fireworks in Section 5.02.120 of the Midway City Municipal Code, which provides that the sale or use of fireworks shall be governed in strict accordance with Utah Code;

WHEREAS, the City previously adopted city-wide fireworks and open-fire restrictions in Ordinance 2021-20 by adopting the County-wide fire restriction issued by the Wasatch County Fire District, including restrictions on fireworks, open fires, campfires, charcoal grills, smoking, cutting, welding, grinding, pyrotechnics, and small internal combustion engines without spark arrestors;

WHEREAS, in 2026 the State Forester, in consultation with Wasatch County, issued Stage 1 fire restrictions for the unincorporated areas of Wasatch County, including restrictions on open fires, smoking, fireworks, tracer ammunition, pyrotechnic devices, exploding targets, cutting, welding, grinding, and small internal combustion engines without approved and working spark arrestors;

WHEREAS, the 2026 Stage 1 order expressly states that it does not affect private lands within incorporated towns or city limits, making it necessary for Midway City to adopt local restrictions if the same restrictions are to apply within the City;

WHEREAS, current and anticipated environmental conditions in and around Midway City, including dry vegetation, drought, high temperatures, low humidity, wind, wildland fuels, foothills, open spaces, agricultural lands, and residential development adjacent to wildland areas, create an elevated risk of fire and wildfire;

WHEREAS, the City Council finds that a standing ordinance automatically adopting applicable Wasatch County, Wasatch Fire District, and Utah State Forester fire restrictions within Midway City will provide clarity, improve enforcement, and protect the health, safety, and welfare of the City and its residents;

WHEREAS, the City Council further finds that fireworks restrictions should remain separately identified within the City Code because fireworks are regulated by Utah Code and because the City may need to adopt maps, restricted areas, and other locally appropriate restrictions based on fire conditions;

WHEREAS, the City Council desires to repeal Section 5.02.120 and enact a new Chapter 5.07, entitled "General Fire and Fireworks Restrictions," within Title 5 of the Midway City Municipal Code so that fire restrictions, fireworks restrictions, open flame restrictions, open burning restrictions, and related wildfire prevention measures are consolidated in a single comprehensive chapter;

WHEREAS, the City Council finds that this Ordinance is necessary for the protection of life, property, public infrastructure, natural resources, and the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MIDWAY CITY, UTAH, AS FOLLOWS:

Section 1. Repeal of Section 5.02.120.

Midway City Code Section 5.02.120, entitled "Sale or Use of Fireworks," is hereby repealed in its entirety.

Section 2. Enactment of Title 5, Chapter 5.07.

Title 5 of the Midway City Municipal Code is hereby amended by enacting Chapter 5.07 as set forth below. The Title 5 table of contents is amended to add the following chapter:

CHAPTER 5.07 GENERAL FIRE AND FIREWORKS RESTRICTIONS

**CHAPTER 5.07
GENERAL FIRE AND FIREWORKS RESTRICTIONS**

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5.07.010 Purpose

The purpose of this Chapter is to protect the public health, safety, and welfare by adopting and enforcing fire restrictions, open-flame restrictions, open-burning restrictions, fireworks restrictions, and related ignition-source restrictions within Midway City when fire danger, drought, fuel conditions, weather, or other hazardous environmental conditions warrant such restrictions.

5.07.020 Definitions

For purposes of this Chapter, the following terms shall have the meanings set forth below:

A. "City" means Midway City, Utah.

B. "Fire Code Official" means the Wasatch County Fire District Fire Marshal, the Fire Marshal's authorized designee, or any other person designated by the City or by contract to serve as the fire code official for Midway City.

C. "Fire Restriction Order" means any written order, notice, declaration, proclamation, resolution, ordinance, or similar official action imposing Stage 1, Stage 2, Level 1, Level 2, full fire restrictions, or substantially equivalent fire restrictions issued or adopted by Wasatch County, the Wasatch County Fire Protection Special Service District, the Wasatch Fire District, the Utah State Forester, the Utah Division of Forestry, Fire and State Lands, the Utah State Fire Marshal, the Governor, or any other federal, state, county, district, or local agency with fire management or fire prevention authority.

D. "Fireworks" shall have the meaning provided by Utah law and includes, without limitation, class C common state-approved explosives, aerial fireworks, non-aerial fireworks, sparklers, spinners, fountains, firecrackers, fireworks cakes, pyrotechnic devices, and any similar device that produces flame, sparks, fire, smoke, or explosion.

E. "Open Burning" means the burning of materials where products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber, and includes the burning of weeds, brush, yard waste, rubbish, debris, slash, construction materials, or other materials.

F. "Open Flame" means any flame, fire, ember-producing source, or ash-producing fuel source, including campfires, bonfires, fire pits, recreational fires, warming fires, charcoal grills, pellet grills, coal or wood-burning stoves, tent stoves, tiki torches, candles, lanterns, sky lanterns, and similar devices.

G. "Stage 1 Fire Restrictions" or "Level 1 Fire Restrictions" means fire restrictions denominated as Stage 1, Level 1, or a substantially equivalent restriction level by the issuing authority.

H. "Stage 2 Fire Restrictions," "Level 2 Fire Restrictions," or "Full Fire Restrictions" means fire restrictions denominated as Stage 2, Level 2, full fire restrictions, or a substantially equivalent restriction level by the issuing authority.

5.07.030 Automatic Adoption of Fire Restrictions

A. Whenever a Fire Restriction Order is issued or adopted for Wasatch County, unincorporated Wasatch County, the Wasatch Fire District service area, public lands within or adjacent to the City, or any geographic area that includes or substantially surrounds the City, the same restrictions shall be deemed adopted by Midway City and shall be enforceable within the municipal boundaries of Midway City, unless the City Council expressly provides otherwise.

B. The restrictions shall become effective within the City at the same date and time stated in the Fire Restriction Order unless the City Council, Mayor, or Fire Code Official specifies a later effective date.

C. The restrictions shall remain in effect within the City until the earliest of the following:

1. The issuing authority rescinds or terminates the Fire Restriction Order;
2. The Fire Restriction Order expires by its own terms;
3. The Fire Code Official determines in writing that the restrictions are no longer necessary within the City; or
4. The City Council modifies or terminates the restrictions by ordinance, resolution, or other lawful action.

D. The City Recorder, Mayor, Fire Code Official, or City staff may post notice of applicable restrictions on the City's website, at City offices, through social media, by public notice, by signage, or by any other reasonable means. Failure to post notice shall not invalidate restrictions that are otherwise adopted or effective under this Chapter.

5.07.040 Stage 1 / Level 1 Fire Restrictions

Unless the applicable Fire Restriction Order is more restrictive or provides otherwise, the following restrictions shall apply during Stage 1 Fire Restrictions, Level 1 Fire Restrictions, or a substantially equivalent restriction level:

A. Open fires are prohibited except:

1. In approved fire rings or grills at developed campgrounds or day-use areas on public lands that have a pressurized running water system; or
2. In permanently constructed fire pits at private residences that have a pressurized water system.

B. Smoking is prohibited except within an enclosed vehicle, trailer, or building, at a developed recreation site, or while stopped in an area that is paved or free from dry vegetation.

C. Discharging or using fireworks, tracer ammunition, pyrotechnic devices, or exploding targets is prohibited.

D. Cutting, welding, or grinding metal in areas of dry vegetation is prohibited.

E. Operating a motorcycle, chainsaw, ATV, or other small internal combustion engine without an approved and working spark arrestor is prohibited.

F. Open burning is prohibited unless expressly authorized in writing by the Fire Code Official and allowed by all applicable federal, state, county, district, and City requirements.

5.07.050 Stage 2 / Full Fire Restrictions

Unless the applicable Fire Restriction Order is more restrictive or provides otherwise, the following restrictions shall apply during Stage 2 Fire Restrictions, Level 2 Fire Restrictions, Full Fire Restrictions, or a substantially equivalent restriction level:

- A. No person may build, maintain, attend, or use any fire, campfire, stove fire, charcoal grill, barbecue using charcoal or ash-producing fuel, coal-burning stove, wood-burning stove, tent stove, recreational fire, warming fire, or other open flame or ash-producing fuel source. This restriction applies at homes and in developed camping and picnic areas unless expressly exempted in the applicable Fire Restriction Order.
- B. Smoking is prohibited except within an enclosed vehicle, trailer, or building, at a developed recreation site, or while stopped in an area that is paved or free from dry vegetation.
- C. Discharging or using fireworks, tracer ammunition, pyrotechnic devices, or exploding targets is prohibited.
- D. Cutting, welding, or grinding metal in areas of dry vegetation is prohibited.
- E. Operating a motorcycle, chainsaw, ATV, or other small internal combustion engine without an approved and working spark arrestor is prohibited.
- F. Open burning is prohibited.
- G. Devices using pellets, pressurized liquid, or gas, including stoves, grills, griddles, lanterns, and similar devices with shutoff valves, may be used only when allowed by the applicable Fire Restriction Order and only when used in an area at least three feet or more from flammable material, including grasses, weeds, brush, leaves, pine needles, or other combustible vegetation.

5.07.060 Fireworks Restrictions and Restricted Areas

- A. The sale, possession, discharge, and use of fireworks within Midway City shall be governed by applicable provisions of Utah law, this Chapter, any applicable Fire Restriction Order adopted or made effective within the City, and any other applicable ordinance, order, or restriction adopted by the City. Fireworks may be discharged in Midway City only on the dates and during the times permitted by Utah law and only in areas where discharge is not otherwise prohibited by this Chapter, Utah law, a Fire Restriction Order, the Fire Code Official, or another lawful authority. If there is any conflict between Utah law, this Chapter, an applicable Fire Restriction Order, or any other City ordinance, order, rule, or restriction governing fireworks, the more restrictive provision shall control.
- B. Notwithstanding Subsection A, the discharge and use of fireworks is prohibited at all times within the following areas of Midway City:
 - 1. Areas containing dry vegetation, weeds, brush, or combustible material, including undeveloped land, fields, hillsides, open space, and similar areas;
 - 2. Areas within the wildland-urban interface, including areas adjacent to or in proximity to canyons, foothills, ravines, open space, agricultural lands, or other natural areas where fire danger is elevated;
 - 3. Areas where vegetation is overgrown or where fire conditions are deemed hazardous due to drought, wind, weather, environmental conditions, or fuel conditions;

4. Areas designated by Midway City, the Fire Code Official, the Wasatch County Fire District, the Utah State Fire Marshal, or another authorized fire official as hazardous fire areas, including areas identified on official maps or by public notice;
5. Areas north of Cari Lane, Burgi Lane, and River Road from the roundabout north;
6. Areas west of Homestead Drive, 400 West, and 250 West;
7. Areas east of Michie Lane;
8. Areas south of 500 South; and
9. Any other area shown as restricted on the City's fireworks restriction map, if any, or on a Wasatch County Fire District fireworks restriction map adopted or recognized by the City.

C. The City may maintain a fireworks restriction map on file with the City Recorder and may post the map on the City's website. The map may be updated by ordinance, resolution, or other lawful action of the City Council, and may be clarified by the Fire Code Official based on actual hazardous conditions.

D. Public fireworks displays may be allowed only if authorized by the City and approved by the Fire Code Official and all other agencies with jurisdiction.

5.07.070 Fireworks Discharge Requirements

Where fireworks are not prohibited, fireworks may be discharged only in compliance with all applicable federal, state, county, district, and City requirements, including the following:

- A. Fireworks must be discharged in a safe and reasonable manner;
- B. Fireworks may not be discharged within fifty feet of any structure, vehicle, or combustible material, unless a more restrictive distance applies by law or order;
- C. Aerial fireworks must be placed on a hard, level surface outdoors in a clear and open area before ignition;
- D. Aerial fireworks may not be ignited within 150 feet of any point of sale;
- E. No person under the age of sixteen may handle or operate aerial fireworks;
- F. Minors must be supervised by a parent, legal guardian, or responsible adult;
- G. All debris must be promptly and safely cleaned and disposed of;
- H. Fireworks may not be discharged during high winds or other unsafe conditions; and
- I. All safe handling instructions and posted warnings must be read and obeyed.

5.07.080 Fire Marshal Authority

The Fire Code Official is authorized to:

- A. Identify, designate, expand, clarify, or recommend hazardous fire areas and fireworks restricted areas based on current or anticipated conditions;
- B. Issue public notices, maps, signage, guidance, warnings, permits, waivers, and orders regarding restrictions and restricted areas;
- C. Order the immediate discontinuance or extinguishment of any fire, open flame, fireworks discharge, open burning, spark-producing activity, or other hazardous activity that presents an unreasonable risk to life, property, public safety, or natural resources; and

D. Take any other action allowed by law to prevent, mitigate, or respond to fire hazards.

5.07.090 More Restrictive Rule Controls

A. If a Fire Restriction Order contains restrictions that are more restrictive than those stated in this Chapter, the more restrictive Fire Restriction Order shall control.

B. If federal, state, county, district, or City law imposes a more restrictive fire, fireworks, open burning, smoking, equipment, or ignition-source restriction, the more restrictive requirement shall control.

C. Nothing in this Chapter shall be construed to authorize any activity prohibited by Utah law, the Utah Fire Code, a Fire Restriction Order, the Fire Code Official, or another applicable law or order.

5.07.100 Permits and Exceptions

A. The Fire Code Official may authorize limited permits, waivers, or exceptions to this Chapter where allowed by law and where the Fire Code Official determines that adequate fire prevention, suppression, staffing, water, weather, fuel, and site conditions exist.

B. Any person claiming a permit, waiver, or exception shall maintain and produce proof of the permit, waiver, or exception upon request of the City, the Fire Code Official, law enforcement, or other authorized enforcement personnel.

C. No permit, waiver, or exception shall relieve any person from liability for damages, suppression costs, response costs, penalties, or other consequences resulting from fire, smoke, sparks, embers, fireworks, or hazardous activity.

D. On-duty firefighters and other emergency response personnel are exempt from the prohibitions of this Chapter while acting in the performance of official duties.

5.07.110 Enforcement

A. This Chapter may be enforced by the City, the Fire Code Official, the Wasatch County Fire District, law enforcement officers, code enforcement officers, and any other person authorized by law.

B. Fireworks possessed, discharged, sold, or offered for sale in violation of this Chapter may be seized, destroyed, or otherwise handled as allowed by law. Any City license or permit associated with the unlawful sale or discharge of fireworks may be denied, suspended, or revoked as allowed by law.

C. It is unlawful for any person to refuse or fail to comply with an order issued under this Chapter.

D. The remedies provided in this Chapter are cumulative and are not exclusive of any other remedy available at law or in equity.

5.07.120 Penalties, Costs, and Liability

A. Unless a different penalty is required by state law, any person who violates this Chapter, violates an applicable Fire Restriction Order adopted under this Chapter, refuses to comply with an order of the Fire Code Official, or knowingly allows a violation to occur on property owned or controlled by that person is guilty of a class B misdemeanor.

B. A violation may be punished by a fine of up to \$1,000.00 per incident, plus applicable surcharge and restitution, and by imprisonment for up to six months, to the extent allowed by law.

C. Each separate act, each day a violation continues, and each separate ignition source, fire, discharge, or prohibited activity may constitute a separate violation.

D. In addition to any criminal penalty, the City may pursue civil, administrative, injunctive, nuisance-abatement, or equitable relief, including a civil penalty of up to \$1,000.00 per day plus costs and reasonable attorney fees where allowed by City Code or applicable law.

E. Any person who violates this Chapter may be liable for all fire suppression costs, emergency response costs, investigation costs, abatement costs, administrative costs, attorney fees, and damages to public or private property to the fullest extent allowed by law.

F. Violations involving fireworks may also be prosecuted or cited under Utah Code Section 53-7-225, the Utah Fire Prevention and Safety Act, the Utah Fire Code, this Chapter, or any other applicable law.

5.07.130 Severability

If any section, subsection, sentence, clause, phrase, or provision of this Chapter is held invalid or unenforceable by a court of competent jurisdiction, the remainder of the Chapter shall remain in full force and effect.

Section 3. Codification.

The City Recorder and codifier are authorized to make non-substantive numbering, formatting, and cross-reference corrections necessary to codify this Ordinance, including updating the Title 5 table of contents, removing references to repealed Section 5.02.120, and assigning appropriate formatting to Chapter 5.07.

Section 4. Repealer.

All ordinances, resolutions, policies, or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5. Severability.

If any section, clause, sentence, or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 6. Effective Date.

For the immediate preservation of the public health, safety, and welfare, this Ordinance shall take effect upon publication as required by law.

PASSED AND ADOPTED by the City Council of Midway City, Wasatch County, Utah
this day of 2026.

Council Member Andy Garland

Council Member Lisa Orme

Council Member Andrew Osborne

Council Member Kevin Payne

Council Member JC Simonsen

APPROVED:

Craig Simons, Mayor

ATTEST:

Brad Wilson, City Recorder

APPROVED AS TO FORM:

Corbin Gordon, City Attorney

(SEAL)