

ORDINANCE NO. 06-2024

**AN ORDINANCE ADOPTING THE REGULATION OF
OPEN FIRES ANDBURNING WITHIN TOWN LIMITS INCUDING REQUIRING
BURN PERMITS THE TIMING OF BURNING**

WHEREAS, Big Water Town, Kane County, State of Utah, a body politic, is a municipal corporation organized and established for the purpose of protecting the health and welfare of its residents; and

WHEREAS Big Water Town in Kane County desires to include burning regulations which will allow residents, visitors, commercial and agricultural industries to burn various materials, as allowed by state law, when environmental, safety, and regulatory conditions are appropriate; and

WHEREAS the Big Water Town Council, desires to provide the fire Chief with certain guidelines, rules and regulations related to the burning of materials; and

WHEREAS the Big Water Town Council desires to codify rules that are in accordance with UCS § 65a-8-211, and that provide as much safety and flexibility to the citizens of Big Water as possible.

NOW THEREFORE, THE BIG WATER TOWN COUNCIL, KANE COUNTY, STATE OF UTAH, ORDAINS AS FOLLOWS:

4-2-1: ADOPTION OF MINIMUM STANDARDS:

The Big Water Town hereby adopts the international urban wildland interface as set forth in R652-122 of the Utah administrative code, as amended hereafter, unless specifically excepted by this Ordinance.

4-2-2: SPECIAL FIRE RESTRICTIONS:

- A. Authorized: This section shall be effective any time during the year when the County Fire Warden and the Fire Chief jointly determine that conditions are such that a fire danger exists which justify the implementation of fire restrictions within the incorporated areas of the county. The Big Water Fire Chief may impose fire restrictions, including, but not limited to, a total fire ban on any open fire, including campfires, even those in established fire pits and places of permanent habitation, as well as fence lines on cultivated lands, canals, or irrigation ditches.
- B. Exception; Written Permit; Revocation:
 - 1. When subsection A of this section is in effect, the County Fire Warden or Fire Chief may grant a written permit to burn as an exception to the general ban, and the permittee must fully comply with the terms and conditions prescribed by the permit.

2. The County Fire Warden or the Fire Chief may refuse, revoke, postpone or cancel permits when they find it necessary in the interest of public safety.

4-2-3 CLOSED FIRE SEASON:

- A. **Burning Prohibited; Exemptions:** Subject to exemptions in this chapter, burning is prohibited during the statutorily closed fire season from June 1st through October 31st and the regulatory closed fire season from November 16th through the last day of February. Where state statute permits, from June 1st to October 31st, and the person obtains a state issued closed season burning permit from the County fire warden or Fire Chief prior to burning, persons may burn pursuant to the terms of the state issued permit.
- B. **Notification Requirement:** When a person has obtained a closed season burning permit, the person shall notify Kane County Dispatch and the local fire department of the approximate time the burn will occur before the burn takes place.
- C. **Exemptions:** Any local, state, or federal fire official or firefighting forces in the performance of official duty.

4-2-4: OPEN FIRE SEASON:

- A. **Burning Permit Required:** Subject to exceptions in this chapter, persons shall obtain a written burn permit which shall be filled out completely before starting a fire in the incorporated areas of the Big Water Town during the open fire season which is March 1st through May 30th and November 1st through November 15th.

During the permitted burn season, it shall be unlawful to set on fire, or cause to be set on fire, any flammable material on any forest, brush, range, grass, grain, stubble, or hay land without:

- (i) First securing a written permit from the Big Water Town Chief Fire Officer or official that is responsible for providing fire protection services in the incorporated areas of the Town; and
 - (ii) Complying fully with the terms and conditions prescribed by the permit.
- B. **Permits are subject to the following conditions:**
 1. Materials must be dry and reasonable free of dirt.
 2. When atmospheric conditions (clearing index of 500 or greater) indicate it is satisfactory to burn. (This information can be obtained through Big Water 435-675-5837 or the National Weather Service Website)
<https://www.weather.gov/slc/ClearingIndex>

ORDINANCE NO. 06-2024

AN ORDINANCE ADOPTING THE REGULATION OF OPEN FIRES AND BURNING WITHIN TOWN LIMITS INCLUDING REQUIRING BURN PERMITS THE TIMING OF BURNING

3. Burning shall not be done when atmospheric conditions of local circumstances make such fire hazardous, i.e., high winds, red flag, etc.
 4. Burning shall be done at a distance of more than 10 feet from any building, structure, or other combustibles.
 5. An adequate water supply or other fire extinguishing equipment shall be available.
 6. The burning area shall be constantly attended by a competent person and shall be completely extinguished before being left. All fires shall be completely extinguished before dark.
 7. Applicant must be in legal control of the land on which the burning is to take place.
 8. Approved fuel breaks shall be established between the controlled burning area and any endangered property. (The width of fuel breaks shall be determined by height, type, and amount of growth, wind conditions, geographical conditions, and type of exposure.)
 9. Adjacent neighbors shall be notified prior to burning.
 10. Such burning shall not pose a threat to forest, range, or watershed lands.
 11. When burning is not on the same day the permit is issued or the permit is for more than one day, notification by applicant to Dispatch and the local fire department is required on each day of burning.
 12. ABSOLUTELY NO BURNING OF TIRES, OILS, DEAD ANIMALS, TRASH, RUBBISH, PLASTIC PRODUCTS, COATED WIRE, OR BUILDING PRODUCTS. ITEMS NOT GROWN ON THE PROPERTY CANNOT BE BURNED.
- C. A burning permit is subject to the laws of the State of Utah, Big Water Town, and the conditions stated upon or attached to the permit. The Chief Fire officer or official of Big Water Town responsible for providing fire protection services in the incorporated areas of the county may refuse, revoke, postpone, or cancel permits when they find it necessary in the interest of public safety.

The burning permit does not relieve an individual from personal liability due to neglect or incompetence. A fire escaping control of the permittee that necessitates fire control action or does injury to the property of another is prima facie evidence that the fire was not safe. Any person responsible for the existence or spread of fire necessitating suppression action shall be liable for the payment of suppression costs.

A burning conducted in accordance with Subsection (2) is not a reckless burning under Section 76-6-104 unless the fire escapes control and requires fire control action. Burning barrels and burning in closed containers is prohibited.

D. Burning permits will be issued only when in compliance with the Utah Air Conservation Regulations. The following requirements must be met with each permit issued:

1. The permit is not valid and operative unless the clearing index is 500 or above. The clearing index is determined daily by the U.S. Weather Bureau and available on the National Weather Service Salt Lake City Weather link. It can also be obtained by calling the NWS Salt Lake City, (801) 524-5133 or by contacting your local fire department or county Fire Warden.

Burning permits shall not be issued when red flag conditions exist or are forecasted by the National Weather Service. Every permittee is required to contact the National Weather Service to ensure that a red flag condition does not exist or is not forecasted. Permits are not valid or operative during declared red flag conditions.

During the permitted burn season, the state Fire Warden, Chief Fire Officer, or official of Big Water Town that is responsible for providing fire protection services in the incorporated areas of the Town may postpone, revoke, or deny burning permits due to environmental conditions, public nuisance, incompetency by the petitioner, or risk to public safety.

4-2-5: EXCEPTIONS:

- A. The provisions of this chapter are not applicable to:
- (i) Any local, state, or federal fire official or firefighting forces in the performance of official duty.
 - (ii) Devices powered by Liquefied Petroleum Gases (LPG) for the purpose of lighting, campfires, or preparing food such as outdoor grills, where such devices are not temporarily restricted by an order from the State of Utah, the Utah State Forester.
 - (iii) Campfires and fires used solely for recreational purposes, where such campfires are not temporarily restricted by an order from the State of Utah, The Utah State Forester, and only when the following guidelines are followed:
 1. Where such fires are under control of a responsible person the fire is contained in a fire pit 18 inches deep into mineral soil absent of roots or any other organic materials or solid ring made of non-combustible

ORDINANCE NO. 06-2024

AN ORDINANCE ADOPTING THE REGULATION OF OPEN FIRES AND BURNING WITHIN TOWN LIMITS INCLUDING REQUIRING BURN PERMITS THE TIMING OF BURNING

material that is at least 18 inches in height that will contain the fuel wood or coals while shielding the ashes from being blown by the wind

2. Maintain 18-inch depth of the fire pit by removing build up ash and other material; assure disposed materials are completely extinguished.
 3. Campfire must be at least 15 feet away from any combustible vegetation or structure vertically or horizontally. Fire resistant material as part of the landscaping is excluded.
 4. At least 1 standard size shovel must be dedicated and immediately available on-site for suppression.
 5. 5 gallons of water or a 5 pound "A" rated or above fire extinguisher dedicated and immediately available on-site for suppression.
 6. Campfires must be completely extinguished, cold to the touch, when not attended.
 7. Combustible material used in the campfire is clean dry wood or charcoal.
- (iv) Indoor fireplaces and indoor residential solid fuel burning devices.

B. Exceptions per the State of Utah Department of Environmental Quality, and Air Quality Exclusions to the Clearing Index (R307-202-3) Administrative rule:

- (i) Except for areas zoned in residential, burning incident to horticultural or agricultural operations of:
 1. Pruning from trees, and plants.
 2. And dead or diseased trees, brush, and plants, including stubble.
- (ii) Burning of weed growth along ditch banks for clearing these ditches for irrigation purposes.
- (iii) Controlled heating of orchards or other crops during the frost season to lessen the chance of their being frozen so long as the emissions from this heating do not cause or consistent with the federally approved State Implementation Plan.
- (iv) The controlled burning of not more than two structures per year by an organized and operative fire department for the purpose of training fire service personnel when the National Weather Service Clearing index is above 500.
- (v) Ceremonial burning is excluded when conducted by a Native American spiritual advisor.

4-2-6: Issuance of Burn Permit:

During the permitted burn season, Big Water chief fire officer or official responsible for providing fire protection services in the incorporated areas of the Town shall be

responsible for signing and issuing a burn permit, on forms provided by the Fire Department.

4-2-7: Penalties

The violation of any part of this Ordinance or to violate any condition in an authorized burning permit shall result in a class B misdemeanor.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon recording.

This ordinance is hereby passed and adopted by the Big Water Town Council on the 20th day of March 2024, and will take effect in accordance with the terms set forth herein.

David W. Schmucker yes X
David Schmucker, Mayor

Voting:	Aye	Nay	Abstain	Absent
Levi Banfill	—	—	—	<u>X</u>
James Lybarger	<u>X</u>	—	—	—
Keith Crowley	—	—	—	<u>X</u>
Luke McConville	<u>X</u>	—	—	—
<i>David Schmucker</i>	<u>X</u>	—	—	—

Attested by:

Katie Joseph
Katie Joseph, Town Recorder

