

# EMIGRATION CANYON COUNCIL

ORDINANCE NO. 2025-O-04

DATE: June 24, 2025

## ORDINANCE AMENDING TITLE 9 CHAPTER 72 SECTION 140 “AIR POLLUTION CONTROL”

WHEREAS, the Emigration Canyon Council finds that it is in the public interest to address fire ignition sources due to environmental issues (weather conditions and dry fuel loads), topographical considerations (mountainous terrain, wildland interface, brush covered areas throughout the city), public safety concerns (people, structures, waterways, washes, and property), etc.; and

WHEREAS, Utah Code § 10-3-703 authorizes a municipality to restrict activities threatens the health, safety, or welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE EMIGRATION CANYON COUNCIL OF, UTAH, THAT:

SECTION I: Title 9 Chapter 72 Section 140 “Air Pollution Control” is amended as follows:

### **9.72.140 Open Burning--Restrictions And Permit Requirements**

A. Community Waste Disposal. No open burning shall be done at sites used for disposal of community trash, garbage or other wastes, except when authorized for specific periods of time by the health department on the basis of justifiable circumstances reviewed and weighed in terms of pollution effects and other relevant considerations following written application.

B. General Prohibitions. No person shall burn any trash, garbage or other wastes, nor shall they conduct any salvage operations, in any open fire except in conformity with the provisions of subsections C and D of this section.

C. Permissible Burning—Without Permit. When not prohibited by subsection F, other laws, or by other officials having jurisdiction, and provided that a public nuisance is not created, the following types of open burning are permissible without the necessity of securing a permit:

1. In devices for the primary purpose of preparing food, such as outdoor grills and fireplaces;
2. Campfires and fires used solely for recreational purposes, where such fires are under the control of a responsible person. Anyone planning a fire larger than that defined in subsection 31 of Section 9.72.030 will be required to obtain a special permit. Bonfires, fires built to burn Christmas trees, rally fires and similar fires are prohibited;
3. Indoor fireplaces;
4. Properly operated industrial flares for combustion of flammable gases;
5. Burning on the premises of combustible household wastes generated by occupants of dwellings of four family units or less in those areas only where no public or duly licensed disposal service is available.

D. Permissible Burning—With Permit—Exemptions. When not prohibited by other laws or other officials having jurisdiction, and when a public nuisance is not created, the types of open burning listed in paragraphs a through f of subdivision 4 of this subsection D are permissible:

1. Under the terms of individual permits issued by the health department, under a clearing index system approved and coordinated by the Utah State Division of Health; or
2. When specifically exempted by the health department following written application and appropriate consultation;

E. Application may be made by a political subdivision of the county, as well as by an individual citizen;

1. All burning permitted under this section is to take place during the hours specified by the city-county health department:
  - a. Agricultural burning, including on-premises orchard prunings, field stubble, weeds, and open burning to clear irrigation ditches,
  - b. Open burning of tree cuttings and slash in forest areas where the cuttings accrue from pulping, lumbering and similar operations, but excluding waste from sawmill operations such as sawdust and scrap lumber,
  - c. Open burning of trees and bushes within railroad and public road rights-of-way, provided that dirt is removed from stumps before burning, and that tires, heavy fuel oil or other materials that cause severe air pollution are not used to start the fires or keep fires burning,
  - d. Open burning of solid or liquid fuels or structures, for the removal of hazards or eyesores or for firemen training purposes, when conducted under the direct control and supervision of organized fire departments,
  - e. Open burning in remote areas of highly explosive or other dangerous materials for which there is no other known practical method of disposal,
  - f. Open burning for special purposes, or under unusual circumstances, when approved by the health department following formal request.

F. The use of ignition sources including but not limited to open fires, solid fuel fire pits, lighters, matches, sky lanterns, open barbeques, and smoking materials is prohibited under the following circumstances From May 1st through November 30th of each year:

1. No open fires of any kind except within established public facilities in improved campgrounds, picnic areas. -OR- In permanently constructed fire pits at private homes where running water is present.
2. Smoking, except within an enclosed vehicle, trailer or building, a developed recreation site or while stopped in an area that is paved or free from dry vegetation.
3. Cutting, welding or grinding metal in areas of dry vegetation.
5. Operating a motorcycle, chainsaw, ATV, or other small internal combustion engine without an approved and working spark arrestor.

[Execution on following page]

ADOPTED AND APPROVED at a duly called meeting of the Emigration Canyon Council on this 24<sup>th</sup> day of June 2025.

EMIGRATION CANYON COUNCIL

\_\_\_\_\_  
By: Joe Smolka, Mayor

ATTEST:

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Diana Baun, City Recorder

Voting:

Mayor Smolka voting

Council Member Hawkes voting

Council Member Brems voting

Council Member Pinon voting

Council Member Harris voting

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*(Complete as Applicable)*

Date ordinance summary was published on the Utah Public Notice Website per Utah Code §10-3-711: \_\_\_\_\_

Effective date of ordinance: \_\_\_\_\_