

ORDINANCE NO. 26-01

AN ORDINANCE OF LEWISTON CITY, UTAH, AMENDING THE LEWISTON CITY MUNICIPAL CODE BY ADDING A NEW SECTION TO TITLE 4 (PUBLIC HEALTH AND SAFETY) RELATING TO FIRE RESTRICTIONS AND OUTDOOR BURNING; PROVIDING FOR INCORPORATION OF CACHE COUNTY FIRE RESTRICTIONS; ESTABLISHING ENFORCEMENT AUTHORITY; PROVIDING PENALTIES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS:

A. Lewiston City ("City") is committed to protecting the health, safety, and welfare of its residents; and

B. Wildfire danger and outdoor burning conditions fluctuate with seasonal weather, drought, and fuel conditions; and

C. Cache County, the Cache County Fire District, or other authorized fire or emergency management authorities having jurisdiction within Cache County may issue fire restrictions, burn bans, or wildfire-related orders applicable within Cache County boundaries; and

D. It is in the best interest of the City to ensure that such County restrictions automatically apply within the municipal limits of the City without requiring separate action by the City Council each time restrictions are issued or modified.

NOW, THEREFORE, be it ordained by the City Council of Lewiston City, Utah, as follows:

SECTION 1. CODE AMENDMENT.

A. Title 4 (Public Health and Safety) of the Lewiston City Municipal Code is hereby amended by adding Section 4-1-6 to read as follows:

4-1-6. FIRE RESTRICTIONS; ADOPTION BY REFERENCE; ENFORCEMENT; PENALTIES.

A. Definitions.

1. "County Restrictions" means any fire restriction, burn ban, or wildfire-related order lawfully issued by Cache County, the Cache County Fire District, or other authorized fire or emergency management authority having jurisdiction within Cache County.

B. Purpose.

1. The purpose of this section is to protect life, property, and the natural resources of the City by adopting and enforcing County Restrictions within the City's jurisdiction.

C. Incorporation by Reference.

1. Any County Restriction shall be automatically adopted and made part of this Code upon issuance by the County.
2. County Restrictions shall apply within the corporate limits of the City at the same time they apply in the unincorporated areas of Cache County, including all subsequent:

- a. Modifications;
- b. Extensions;
- c. Renewals; and
- d. Terminations;

until superseded, repealed, or otherwise terminated.

3. The City Recorder shall maintain a current record of all active County Restrictions and shall make such records available to the public upon request.

D. Enforcement.

1. The Cache County Sheriff's Department, Lewiston Fire Department, code enforcement officers, and other duly authorized personnel are authorized to enforce County Restrictions adopted under this section within City limits.
2. Any person shall, upon request, promptly display any permit or authorization related to outdoor burning or fire activities.

E. Penalties.

1. Any person who violates a County Restriction adopted under this section shall be subject to enforcement action, including issuance of citations.
2. Violations shall be punishable by a fine as established in the Lewiston City Master Fee Schedule, as amended.
3. Each separate act in violation and each day a violation continues shall constitute a separate offense.
4. Any other penalties authorized by law may also be applied.

F. Severability.

1. If any provision of this section or its application to any person or circumstance is held invalid, the remainder of this section and its application shall remain in effect.

SECTION 2. CONFLICT WITH OTHER LAW.

A. To the extent any conflict exists between this ordinance and any previously adopted ordinance or code provision, the terms of this ordinance shall prevail.

SECTION 3. EFFECTIVE DATE.

A. This ordinance shall take effect upon publication or posting as required by law.

ADOPTED AND PASSED, by the LEWISTON CITY COUNCIL this 17th day of March, 2026.

LEWISTON CITY, a municipal Corporation

ATTEST:

City Recorder, Chris Barr

By: _____
Mayor, Brady Bodily

Posting Date: _____