

CHAPTER 3 FIRE PROTECTION

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3-3-1: ADOPTION OF MINIMUM STANDARDS:

The County hereby adopts the international urban-wildland interface code, with the amendments identified in R652-122 of the Utah administrative code, as currently set forth or as amended in the future by the division of forestry, fire, and state lands, unless specifically excepted by amendment to this section. All lands lying outside the boundaries of incorporated cities in the county shall be subject to the provisions and requirements of the international urban-wildland interface code, with state amendments. (Ord. 24-411, 7-8-2024)

3-3-2: FIRE RESTRICTIONS:

A. Authorized: This section shall be effective any time during the year when the county fire warden and the county emergency management director jointly determine that conditions are such that a fire danger exists which justifies the implementation of fire restrictions within the unincorporated areas of the county. The county fire warden 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 may grant a permit to burn as an exception to the general ban, and the permittee must comply fully with the terms and conditions prescribed by the permit.

2. The county fire warden, county sheriff, or any law enforcement officer may refuse, revoke, postpone, or cancel permits when they find it necessary in the interest of public safety.

C. Penalty: When subsection A of this section is in effect, it is a class B misdemeanor, subject to penalty as provided in section 1-4-1 of this code, to set a fire, or cause to be set on fire, any flammable material on any forest, brush, range, grass, grain, stubble, hay land, campfire, or any fire in a fire pit, and fence lines on cultivated lands, canals, or irrigation ditches within the county without the appropriate permit, or to violate any condition in an authorized burning permit. (Ord. 24-411, 7-8-2024)

3-3-3: CLOSED FIRE SEASON:

A. Burning Prohibited; Exemptions: Subject to exemptions in this chapter, burning is prohibited during the statutorily closed fire season from June 1 through October 31 as

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~~established by Utah State Code Title 65A, Chapter 8, Part 211 as amended, and or any applicable the regulatory closed fire season from November 16 through the last day of February of the State of Utah or the Federal Government. Where state statute permits, from June 1 to October 31, and the~~ A person may obtains a state issued closed season permit from the county fire warden. ~~prior to burning, p~~Persons with proper permits may burn pursuant to the terms of the ~~said~~state issued permit.

B. Notification Requirement: When a person has obtained a closed season burning permit, the person shall notify dispatch of the approximate time the burn will occur before the burn takes place.

C. Exemptions: Any local, state, tribal, or federal fire official or firefighting forces in the performance of official duty.

D. Misdemeanor: Any violation of this subsection shall be punishable as a **class B misdemeanor** in accordance with Duchesne County Code 1-4-1. (Ord. 24-411, 7-8-2024)

3-3-4: OPEN FIRE SEASON:

A. Burning Permit Required: Subject to exceptions in this chapter, the person shall obtain a written county burning permit, which shall be filled out completely before starting a fire in the unincorporated areas of the county during the open fire season, ~~which is March 1 through May 30 and November 1 through November 15~~. Exact dates will vary season to season, please contact Duchesne County Emergency Management/Fire for information on the exact burn window (435) 738-1226.

1. During the permitted burn season, it is a **class B misdemeanor** 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:

a. First, securing a written permit from the county fire warden, chief fire officer, or official of each fire protection entity that is responsible for providing fire protection services in the unincorporated areas of the county; and

b. Complying fully with the terms and conditions prescribed by permit.

B. Permits Are Subject To The Following Conditions:

1. Materials must be dry and reasonably 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 Dispatch 435-738-2424 or the National Weather Service Website: <https://www.weather.gov/slc/ClearingIndex>).

3. Burning shall not be done when atmospheric conditions or local circumstances make such fires hazardous, i.e., high winds, red flags, etc.

4. Burning shall be done at a distance of more than fifty feet (50') 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, 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 the applicant to dispatch 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. 1. A burning permit is subject to the laws of the State of Utah, Duchesne County, and the conditions stated upon or attached to the permit. The county fire warden, chief fire officer, or official of each fire protection entity that is responsible for providing fire protection services in the unincorporated areas of the county, and the county emergency manager may refuse, revoke, postpone, or cancel permits when they find it necessary in the interest of public safety.

2. 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.

3. Failure to notify dispatch of the burning as required by this section is a **class B misdemeanor**.

4. A burning conducted in accordance with subsection B 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. 1. Burning permits will be issued only when in compliance with the Utah Air Conservation Regulations. The following regulations must be met with each permit issued:

a. The permit is not valid and operative unless the clearing index is five hundred (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, at (801) 524-5133 or by contacting your county fire warden.

b. A permit may be extended one day at a time, without inspection upon request to the issuing officer. The request must be made before the expiration of the permit.

2. 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.

3. During the permitted burn season, the state fire warden, chief fire officer, or official of each fire protection entity that is responsible for providing fire protection services in the unincorporated areas of the county may postpone, revoke, or deny permits due to environmental conditions, public nuisance, incompetency by the petitioner, or risk to public safety.

E. Penalties: Any violation of this section shall be punishable as a **class B misdemeanor** in accordance with Duchesne County Code Title 1 Chapter 4. (Ord. 24-411, 7-8-2024)

3-3-5: EXCEPTIONS:

A. The provisions of this chapter are not applicable to:

1. Any local, state, tribal, or federal fire official or firefighting forces in the performance of official duty.
2. Devices powered by Liquified Petroleum Gasses (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, or in accordance ~~with x-x-x~~.
3. 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, or in accordance with ~~x-x-x~~ and only when the following county guidelines are followed:
 - a. Where such fires are under control of a responsible person.
 - b. The fire is contained in a pit eighteen inches (18") deep into mineral soil absent of roots or any other organic materials or solid ring made of non-combustible material that is at least eighteen inches (18") in height that will contain the fuel wood or coals while shielding the ashes from being blown by the wind.
 - c. Maintain eighteen-inch (18") depth of the pit by removing build up ash and other material; assure disposed materials are completely extinguished.
 - d. Campfire must be at least fifteen feet (15') away from any combustible vegetation or structures, vertically or horizontally. Fire-resistant material as part of the landscaping is excluded.
 - e. At least one (1) standard size shovel must be dedicated and immediately available for on-site fire suppression.
 - f. Ten (10) gallons of water or a source of running water, or a five (5) pound "A" rated or above fire extinguisher dedicated and immediately available on-site for suppression.
 - g. Campfires must be completely extinguished, cold to the touch, when not attended.
 - h. Combustible material used in the campfire is clean, dry wood or charcoal.
 - i. Where such fire pits are not used to dispose of rubbish, trash, or combustible waste material.

Even when these guidelines are followed, persons responsible for escaped or unattended campfires are subject to prosecution and suppression costs.

4. Indoor fireplaces and indoor residential solid fuel burning devices.

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

1. Except for areas zoned in residential, burning incident to horticultural or agricultural operations of:
 - a. Pruning from trees and plants.

- b. And dead or diseased trees, brush, and plants, including stubble.
- 2. Burning of weed growth along ditch banks for clearing these ditches for irrigation purposes.
- 3. 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 contribute to an exceedance of any national ambient air quality standards and is consistent with the federally approved State Implementation Plan.
- 4. The controlled burning of not more than two (2) structures per year by an organized and operative fire department for the purpose of training fire service personnel when the National Weather Service Gearing index is above five hundred (500).
- 5. Ceremonial burning is excluded when conducted by a Native American spiritual advisor. (Ord. 24-411, 7-8-2024)

3-3-6: PROCEDURE FOR OBTAINING A BURN PERMIT:

During the permitted burn season, the state fire warden shall be responsible for signing and issuing a burn permit on forms provided by the county.

There are two (2) ways to complete the open burn permit application:

- A. Online: The Open Burn Permit application can be completed online at: <https://air.utah.gov/OpenBurning/form/index.php>. Completing this form online is the easiest and fastest way to complete the open burn permit application. An electronic copy of the application is automatically submitted to the county or municipal fire authority upon completion.
- B. Phone: An applicant can call DAQ at (801) 536-4000 and complete the open burn permit application process over the phone. A DAQ inspector will ask the applicant for the required information and complete the application in just a few minutes.

Contact the County or State Fire Warden for any questions. (Ord. 24-411, 7-8-2024)

3-3-7: STRUCTURAL FIRE RESPONSE COSTS:

- A. A property owner or vehicle owner, who owns property that is located in the unincorporated areas of Duchesne County is responsible to pay for the actual and reasonable costs of responding to a fire that occurs on the property.
- B. Any municipality that responds to a structural fire in the unincorporated areas of Duchesne County for a property, is authorized to and shall send a bill directly to the property owner for the actual and reasonable costs of the services provided.
- C. Any costs under this section that are not paid by the property owner after reasonable attempts to collect by the County or municipality shall constitute a political subdivision lien under Utah Code § 11-60-102(5). The County Treasurer shall collect all political subdivision liens under this section as a tax notice charge as set forth in Utah Code § 59-2-1317(2) so long as the municipality or other political subdivision has recorded the lien and followed other statutory requirements for a tax notice charge. (Ord. 24-411, 7-8-2024)