

ORDINANCE NO. 2026-06

TOWN OF BOULDER, STATE OF UTAH

**AN ORDINANCE OF THE TOWN OF BOULDER REPEALING THE
CURRENT PROVISIONS OF CHAPTER 130 OF THE BOULDER TOWN
CODE, RELATING TO FIRE RESTRICTIONS, AND ADOPTING THE
PROVISIONS OF NEW RECODIFIED CHAPTER 130.**

WHEREAS, as previously directed by the Town Council, Town staff has prepared policy updates and amendments to Chapter 130 of Town Code; and

WHEREAS, the Town Council has held a public hearing and has determined that the proposed revision and recodification of Chapter 130 will better serve the public health, safety and welfare;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Boulder, Utah as follows:

Section 1. Legislative Findings. The Town Council finds that:

A. Wildfire poses a significant threat to the public health, safety, welfare, property, and natural resources of Boulder Town.

B. The existing annual fire restriction period has required frequent modification to reflect actual fire conditions and no longer adequately corresponds to the modern wildfire season.

C. Aligning the Town's fire restrictions with the State of Utah's Stage 1 and Stage 2 fire restriction framework will promote consistency, improve public understanding, and reduce confusion.

D. This ordinance is adopted pursuant to the Town's authority under Utah law to protect the public health, safety, and welfare and is intended to complement applicable federal, state, and county fire restrictions.

Section 2. Repeal. Chapter 130 of the Boulder Town Code is hereby repealed in its entirety.

Section 3. Adoption and Codification. A revised and recodified Chapter 130 of the Boulder Town Code, as more particularly set forth in Exhibit A, attached hereto and incorporated herein by reference, is hereby adopted and codified.

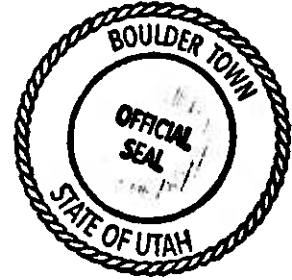
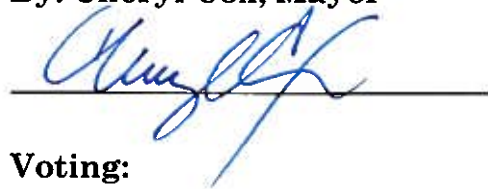
Section 4. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 5. Effective Date. This Ordinance shall take effect upon publication of posting or thirty (30) days after passage, whichever occurs first.

PASSED AND APPROVED this 1st day of September, 2026.

Boulder Town Council

By: Cheryl Cox, Mayor



Voting:

Lacy Allen	Yea <u>X</u>	Nay <u> </u>	Abstain <u> </u>	Absent <u> </u>
Josh Ellis	Yea <u>X</u>	Nay <u> </u>	Abstain <u> </u>	Absent <u> </u>
John Veranth	Yea <u>X</u>	Nay <u> </u>	Abstain <u> </u>	Absent <u> </u>
Tina Karlsson	Yea <u>X</u>	Nay <u> </u>	Abstain <u> </u>	Absent <u> </u>
Cheryl Cox	Yea <u>X</u>	Nay <u> </u>	Abstain <u> </u>	Absent <u> </u>

Attest: Elizabeth Julian, Town Clerk



DEPOSITED in the office of the Town Clerk this 4th day of September, 2026.

RECORDED this 4th day of September, 2026.

EXHIBIT A

CHAPTER 130: FIRE RESTRICTIONS

§ 130.01. Purpose.

The purpose of this chapter is to reduce the risk of wildfire within Boulder Town by establishing seasonal fire restrictions, authorizing additional restrictions when fire danger warrants, promoting consistency with the fire restriction framework administered by the Utah Division of Forestry, Fire, and State Lands pursuant to Utah Code Section 65A-8-212, and protecting the public health, safety, and welfare.

§ 130.02. Definitions.

As used in this chapter:

APPROVED FIRE PIT means a stone, masonry, concrete, or metal fire pit or fireplace designed to contain open flames and prevent the spread of fire, protected by a 3' radius of noncombustible materials.

FIRE CHIEF means the chief of the Boulder Town Fire Department or the chief's designee.

FIREWORKS has the meaning provided in the Utah Fire Prevention and Safety Act.

OPEN FIRE means any outdoor fire or combustion of combustible material, whether for warmth, cooking, recreation, disposal, or any other purpose, excluding devices specifically exempted by this chapter.

PYROTECHNIC DEVICE has the same meaning as provided by Utah law and includes exploding targets and similar devices designed to produce combustion, explosion, heat, smoke, or light.

SPARK ARRESTOR means a properly installed and maintained device designed to prevent the emission of sparks or flaming particles from an internal combustion engine.

STAGE 1 FIRE RESTRICTIONS mean restrictions established pursuant to § 130.04.

STAGE 2 FIRE RESTRICTIONS mean restrictions established pursuant to § 130.05.

§ 130.03. Annual Fire Restriction Season.

(A) Unless otherwise provided by resolution of the Town Council, the annual fire restriction season shall begin on May 1 and continue through October 31 of each year and shall default to Stage 1 Fire Restrictions.

(B) The Town Council may, by resolution:

1. begin restrictions before May 1;
2. terminate restrictions after October 31;
3. shorten the annual restriction period when fire conditions warrant; or
4. declare that Stage 1 Fire Restrictions, Stage 2 Fire Restrictions, or no seasonal restrictions shall be in effect.

(C) In determining whether restrictions should be imposed, modified, or terminated, the Town Council may consider:

1. recommendations of the Boulder Town Fire Department;
2. recommendations of the Utah Division of Forestry, Fire, and State Lands;
3. restrictions imposed by Garfield County or federal land management agencies;
4. weather conditions;
5. fuel moisture;
6. drought conditions;
7. wildfire activity; and
8. any other factors affecting public safety.

§ 130.04. Stage 1 Fire Restrictions.

Unless otherwise modified by resolution, the following restrictions apply whenever the Town Council declares Stage 1 Fire Restrictions.

(A) No person shall build, maintain, attend, or use an open fire except:

1. within an approved fire pit located on private property where running water is immediately available; or
2. within an established fire ring or other facility specifically designated for fires by the Town or another governmental agency.

(B) No person shall smoke outdoors except:

1. within an enclosed vehicle;
2. within an enclosed building;
3. within a developed recreation site; or
4. while stopped in an area paved or otherwise free of dry vegetation.

(C) No person shall discharge or use fireworks, pyrotechnic devices, tracer ammunition, or exploding targets.

(D) No person shall cut, weld, or grind metal in an area containing dry vegetation.

(E) No person shall operate a motorcycle, chainsaw, all-terrain vehicle, utility terrain vehicle, or other small internal combustion engine unless equipped with a properly functioning spark arrestor.

§ 130.05. Stage 2 Fire Restrictions.

Whenever the Town Council declares Stage 2 Fire Restrictions, the following restrictions apply in addition to all Stage 1 Fire Restrictions.

(A) No person shall ignite, maintain, or use any open fire.

(B) The prohibition in subsection (A) does not apply to propane, natural gas, or other compressed-gas cooking appliances equipped with an on/off valve and used in an area cleared of combustible material.

(C) The Town Council may impose additional restrictions by resolution when reasonably necessary to protect public health, safety, and property.

§ 130.06. Relationship to Other Laws.

(A) This chapter establishes minimum fire restrictions within Boulder Town.

(B) This chapter is intended to complement, and not replace, applicable fire restrictions adopted by the United States, the State of Utah, Garfield County, or any other governmental entity having jurisdiction.

(C) Compliance with this chapter does not excuse compliance with any applicable federal, state, county, or other lawful fire restriction.

(D) When multiple restrictions apply to the same activity, the more restrictive provision shall govern.

§ 130.07. Emergency Restrictions.

Nothing in this chapter limits the authority of the Town Council to adopt emergency fire restrictions by resolution whenever extraordinary fire danger exists.

§ 130.08 Construction.

Nothing in this chapter shall be construed to authorize any act prohibited by the Utah Fire Code, the Utah Fire Prevention and Safety Act, or any other applicable provision of state or federal law.

§ 130.09. Enforcement.

This chapter may be enforced by:

1. Boulder Town law enforcement officers;
2. the Garfield County Sheriff's Office;
3. the Boulder Town Fire Department; and
4. any other person authorized by law.

§ 130.10. Violations and Penalties.

(A) A violation of this chapter constitutes a fine as defined by resolution in the fee schedule, unless another penalty is specifically provided by Utah law.

(B) Each separate act, each prohibited fire, and each individual firework or pyrotechnic device discharged constitutes a separate offense.

§ 130.11. No Duty Created.

Nothing in this chapter creates a duty on the part of Boulder Town, its officers, employees, or agents to inspect property, discover violations, prevent fires, or protect any person or property from wildfire.

