

## **IRON COUNTY ORDINANCE 2016-1**

### **AN ORDINANCE OF IRON COUNTY, UTAH, SUPERSEDING AND AMENDING IRON COUNTY CODE § 8.04.100 et seq., REGARDING THE OPEN BURNING OF NATURAL VEGETATION**

**WHEREAS**, Iron County desires to allow residents, visitors, commercial and agricultural industries to burn materials allowed by state law and when environmental, safety, and regulatory conditions are appropriate.

**WHEREAS**, Iron County desires to provide fire managers and fire chiefs guidance to regulate the burning of materials.

**WHEREAS**, Iron County adopted Ordinance 83 on September 21, 1981, and Ordinance 184 on March 24, 2003 creating an Iron County Fire Department and adopting international fire safety standards which have been incorporated into Iron County code.

**WHEREAS**, Iron County desires to codify rules that are in accordance with UCA § 65a-8-211, and that provide as much safety and flexibility to the citizens of Iron County as possible.

**NOW THEREFORE**, the County Legislative Body of Iron County, Utah, Ordains that Iron County Code § 8.04.100 et seq. be superseded and amended as follows:

**8.04.100 – 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 and the regulatory closed fire season from November 16 through the last day of February. Where state statute permits, from June 1 to October 31, and the person obtains a state issued closed season burning permit 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 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.

- D. Misdemeanor: Any violation of this section shall be punishable as a class C misdemeanor and, upon conviction, subject to penalty as provided in section 1.08.010 of this code.

**8.04.101 – Open Fire Season:**

- A. Burning Permit Required: Subject to exceptions in this chapter, persons 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 31 and November 1 through November 15.
- B. 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.  
[http://www.wrh.noaa.gov/slc/projects/ifp/html/webSMF\\_new.php](http://www.wrh.noaa.gov/slc/projects/ifp/html/webSMF_new.php)  
Or by calling the NWS Salt Lake City, (801) 524-5133
  - 2. A permit may be extended one day at a time, without inspection upon request to the issuing officer. The request must be made before expiration of the permit.
- C. 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 assure that a red flag condition does not exist or is not forecasted. Permits are not valid or operative during declared red flag conditions.
- D. During the open fire 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 burning permits due to environmental conditions, public nuisance, incompetency by the petitioner, or risk to public safety.
- E. Misdemeanor: Any violation of this section shall be punishable as a class C misdemeanor and, upon conviction, subject to penalty as provided in section 1.08.010 of this code.

**8.04.102 – Exceptions:**

The provisions of this chapter are not applicable to:

- A. Any local, state, or federal fire official or firefighting forces in the performance of official duty.
- B. Devices for the primary purpose of preparing food such as outdoor grills and fireplaces;
- C. Campfires and fires used solely for recreational purposes pending the following guidelines are followed.
  - 1. where such fires are under control of a responsible person the fire is contained in a pit 18 inches deep into mineral soil absent of roots or any other organic materials **or** solid ring made of non-combustible 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 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 structures, 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.
- D. Indoor fireplaces and indoor residential solid fuel burning devices.
- E. Exceptions per the State of Utah Department of Environmental Quality, Air Quality Exclusions to the Clearing Index (R307-202-3) Administrative rule:
  - 1. Except for areas zoned as residential, burning incident to horticultural or agricultural operations of:
    - a) Prunings from trees, bushes, and plants; and
    - b) Dead or diseased trees, bushes, 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 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.
5. Ceremonial burning is excluded when conducted by a Native American spiritual advisor.

**8.04.103 – Procedure for obtaining a Burning Permit:**

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

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

**Internet**

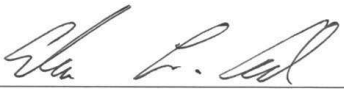
The open burn permit application can be completed online at:

<http://www.airquality.utah.gov/aqp/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.

**Telephone**

An applicant can call the 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.

By:   
Alma L. Adams, Iron County Commission Chair

ATTEST:

  
Jonathan T. Whittaker, Iron County Clerk



VOTING:

Alma L. Adams	<u>AYE</u>	
Dale Brinkerhoff	<u>AYE</u>	
<del>David Miller</del>	<del>_____</del>	RESIGNED