

CHAPTER 4

OPEN BURNING

SECTION:

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4-4-1: **ENFORCEMENT AUTHORITY:**

- A. County Authorities: The responsibility for the enforcement of this Chapter shall be primarily in the Cache County Fire Chief or his duly authorized agents or deputies and also in the Cache County Sheriff or his duly authorized deputies in conjunction with the Cache County Fire Chief.
- B. Suppression: If there is reason to believe that any fire presents or is likely to present a danger to persons or property, the above designated offices or deputies shall have the authority to require the immediate suppression or prohibition of such burning pending further action by the Cache County Fire Chief or County Council as the case may require. (Ord. 10-152, 8-23-1989)

4-4-2: **GENERAL PROHIBITION:** No person shall burn any trash, garbage or other waste, nor conduct any salvage operations in or at any open fire site, except as provided by this Chapter. (Ord. 10-152, 8-23-1989)

4-4-3: **PERMITTED BURNING; CONDITIONS:**

- A. Without Permit: Unless prohibited by State statutes or regulations, other City ordinances, applicable declarations of closed fire seasons, or the order of a law enforcement officer, the Cache County Fire Chief or his duly authorized agent, the following types of burning are permitted without a permit:

1. Outdoor Food Preparation Devices: Fires in outdoor grills, fireplaces, or similar devices for the primary purpose of preparing food, provided the devices are not used for the burning of refuse, trash, garbage, or other waste in areas where there is a public or duly licensed disposal service available.
 2. Campfires: Campfires and other recreational fires; provided, that such fires are attended and under the control of a responsible person and; further provided, that no such fire shall be permitted during any closed fire season as declared by the Cache County Fire Chief, notice of which has been published once in a newspaper of general circulation in the County.
 3. Fireplaces: Fires in indoor fireplaces.
 4. Household Wastes; Family Units: Burning on the premises of combustible household wastes generated by occupants of dwellings of four (4) family units or less in those areas only where no public or duly licensed disposal service is available.
 5. Fence Lines: A burning permit is not required for the burning of fence lines on cultivated lands, canals, or irrigation ditches where the burning will not pose a threat to forest, range, or watershed lands, provided due care is used in the control of the burning and that the individual notifies the nearest fire department of the approximate time the burning will occur.
- B. Permit Required: Unless prohibited by State statutes or regulations, other City ordinances, applicable declarations of closed fire seasons, or the order of a law enforcement officer, the Cache County Fire Chief or his duly authorized agent, the following types of burning are permitted; provided, that a County permit has first been obtained.
1. Pruning: The burning of pruning from trees, bushes, and plants, or of dead or diseased trees, bushes, and plants, including stubble, incidental to horticultural or agricultural operations.
 2. Heating Crops; Orchards: The controlled heating of orchards or other crops to minimize damage from freezing temperatures; provided, that the emissions from such heating shall not violate any minimum standards established by the State Department of Health.
 3. Materials; Structures: Open burning of materials or structures when conducted under the control and supervision of the Cache County Fire Chief.

4. Firefighter Training: Fires for firefighter training purposes when conducted under the direct control and supervision of the Cache County Fire Chief.
5. Hazardous Materials Site: Open burning at an approved site of hazardous materials for which there is no reasonable alternate practical method of disposal; provided that such burning shall be under the supervision of the Cache County Fire Chief and in accordance with State law.
6. Special Purposes: Other open burning for special purposes or under unique circumstances when approved by the County Fire Chief and the County Health Department following a formal request therefore.
7. County Property: Fires on any County property, including roads, right of way, ditch banks, river bottom lands, wild lands, or other areas of City domain. (Ord. 10-152, 8-23-1989)

4-4-4: **PERMITS:**

- A. Issuance: County permits shall be issued by the Cache County Fire Chief, who shall be authorized to determine the appropriate application process and forms for the issuance of such permits.
- B. Oral Authority: The County Fire Chief is authorized to grant a permit orally to an applicant; provided, that the Fire Chief makes and maintains a written record of the permit, including the names of the applicants, the burning site, the nature, anticipated time, and date of the proposed burning, and the time and date of the granting of the permit.
- C. Fees: The Cache County Council may, at its discretion, establish fees by resolution for burning permits. Until such resolution is adopted, no fees shall be assessed.
- D. Suspension; Hearing: Whenever there is probable cause to believe that there has been a violation of the provisions of this Chapter or State law as to any fire or if circumstances give reasonable concern for the safety of person or property, the Cache County Fire Chief may, upon notice to any person having a permit, temporarily suspend such permit pending a hearing before the Cache County Council; provided, that:
 1. The County Council shall hold a review hearing, due to notice of which has been given to the permittee and the owners of any property affected or likely to be affected by the affirmation, modification, revocation or cancellation of any permit.

2. At that hearing, the County Council, upon formal findings of fact, order that the permit be modified, revoked, or suspended and specify the reasons therefore in writing to the permittee and to the Cache County Fire Chief. (Ord. 10-452, 8-23-1989)

4-4-5: **RESTRICTED AREAS:**

- A. Community Waste Sites: No burning shall be done at sites used for the disposal of community trash, garbage, or other waste, except when authorized for a specific period of time and subject to specific conditions as approved by the Utah Air Conservation Committee in accordance with the Utah Air Conservation Act (chapter 2, title 19, Utah Code Annotated) and by the City Council after a public hearing.
- B. Wildlife Resources Land: The consent of the Utah Division of Wildlife Resources shall be required for any fires on any property leased, owned, or controlled by that Division as wild lands or wildlife habitats. (Ord. 10-152, 8-23-1989)

4-4-6: **UNATTENDED, UNCONTROLLED FIRES:**

- A. Prohibited: It shall be unlawful for any person to leave any fire unattended whether on private or public property.
- B. Public Nuisance: Any fire on private or public property burning uncontrolled and without proper and adequate action being taken to prevent its spread is declared a public nuisance. It shall be unlawful for any person to maintain or commit any public nuisance.
- C. Unattended Defined: A fire shall be deemed “unattended” when flame, live coals, or embers remain and the person responsible for the fire has left the proximity of the fire, whether in distance or time that would preclude prompt suppression action by said person. (Ord. 10-152, 8-23-1989)

4-4-7: **PENALTY; LIABILITY:**

- A. Violation: Any person who shall violate or fail to comply with the provisions of this Chapter shall, for each day for each violation or noncompliance, be guilty of a separate Class B misdemeanor, subject to penalty as provided in Section 1-4-1 of this Code, for each offense.

- B. Liability for Costs: Any person responsible for the existence or spread of any uncontrolled or unattended fire or any other fire, on public or private property, necessitating suppression action by the County or State, shall be liable to the County or State for the payment of all costs therefore. (Ord. 10-152, 8-23-1998)