

ORDINANCE NO. 2017-26

7-18

AN ORDINANCE AMENDING TITLE 20 OF THE WEBER COUNTY CODE OF ORDINANCES, RELATED TO FIRE REGULATIONS

WHEREAS, the Weber Fire District provides fire-related services to the unincorporated areas of Weber County and to some of the cities within Weber County; and

WHEREAS, the Weber Fire District requested amendments to Title 20 of the Weber County Code of Ordinances to bring the county code into compliance with updated state laws and regulations, as well as to provide clearer enforcement authority;

NOW THEREFORE, the Board of County Commissioners of Weber County ordains as follows:

Title 20 of the Weber County Code of Ordinances shall be amended to read as follows:

Title 20 - FIRE REGULATIONS ^[1]

Footnotes:

--- (1) ---

State Law reference— Utah Fire Prevention and Safety Act, U.C.A. 1953, § 53-7-101 et seq.; State Construction and Fire Codes Act, U.C.A 1953, § 15A-1-101 et seq.

CHAPTER 1. - ADOPTION OF WEBER COUNTY FIRE CODE

Sec. 20-1-1. - State Fire Code adopted by reference.

Weber County hereby adopts the State Fire Code, as modified in accordance with section 20-1-2, as the Weber County Fire Code, and incorporates it by reference into the County Code. Except as provided in section 20-1-2, future amendments to the State Fire Code shall automatically be incorporated and effective as amendments to the Weber County Fire Code.

Sec. 20-1-2. – Modifications to the adopted State Fire Code.

- (a) Weber County may, to the extent allowed by state law, adopt modified requirements in the Weber County Fire Code that differ from the State Fire Code. Future amendments to the State Fire Code that conflict with the County’s modified requirements shall automatically be incorporated and effective as amendments to the Weber County Fire Code, superseding the

County's modified requirements, unless the County again adopts modified requirements that differ from the amended State Fire Code.

- (b) If, in accordance with state law, the Weber Fire District adopts modified requirements that differ from the State Fire Code and notifies the County by sending copies of its resolution adopting the modified requirements to the chair of the board of county commissioners and to the county building official, then the District's modified requirements shall automatically be incorporated into the Weber County Fire Code, unless the District's modified requirements conflict with modifications adopted by the County, or unless the County acts to prevent the District's modified requirements from being incorporated into the Weber County Fire Code.

Sec. 20-1-3. - Place where filed.

Three copies of the Weber County Fire Code shall be filed for use and examination by the public in the administrative offices of the Weber Fire District, State of Utah.

CHAPTER 2. - OPEN BURNING

Sec. 20-2-1. - Definitions.

When used in this chapter, the following words and phrases have the meaning ascribed to them in this section, unless the context indicates a different meaning:

Agricultural burning means burning incident to horticultural or agricultural operations of:

- prunings from trees, bushes, and plants; or
- dead or diseased trees, bushes, and plants, including stubble.

Authorized official means an officer or employee of the State or of one of its political subdivisions who is authorized by any law, ordinance, or rule to take an action related to fire safety or air quality.

Open burning means any burning of combustible materials not passing through a chimney or stack.

Person means any individual; public or private corporation, partnership, association, firm, trust, or estate; the state or any department, institution, bureau, or agency thereof; any municipal corporation, county, city, or other political subdivision of the state; or any other legal entity whatsoever which is recognized by the law as being subject to rights and duties.

Trash means solids not considered to be highly flammable or explosive, including, but not limited to, clothing, rags, leather, plastic, rubber, floor coverings, excelsior, material from trees and other plants, and other similar materials.

Waste means all solid, liquid, or gaseous material, including, but not limited to, the following:

- trash;
- garbage, rubbish, or refuse of any kind;
- household waste;
- construction or demolition debris; or
- damaged, defective, or superfluous material resulting from the prosecution of any business, trade, or industry.

Sec. 20-2-2. - Community waste disposal.

No open burning shall be done at community waste disposal sites, except when authorized by the Utah Division of Air Quality following a written application to that Division.

Sec. 20-2-3. - General provisions.

- (a) The setting, building, maintaining, attending, or using a fire of any kind, shall be done in a safe manner and in accordance with the adopted fire code.
- (b) Except as otherwise provided by law, open burning that is injurious to health or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, constitutes a nuisance and is prohibited.

Sec. 20-2-4. - Permissible burning without permit.

Except as prohibited by this chapter, and when not prohibited by other laws or by lawful order of an authorized official, the following types of open burning are permissible without the necessity of securing a permit:

- (1) In devices for the primary purpose of preparing food or providing light, such as outdoor grills, lanterns and fireplaces.
- (2) Campfires and fires used solely for recreational purposes, where such fires are under the control of a responsible person and the combustible material is clean, dry wood or charcoal. Such fires must be confined to a fire ring no larger than three feet in diameter. Anyone planning a fire larger than this will be required to obtain a special permit. Bonfires, fires built to burn Christmas trees, rally fires, and similar fires are prohibited.
- (3) Properly operated industrial flares.
- (4) Agricultural burning.
- (5) Burning of weed growth along ditch banks incident to clearing these ditches for irrigation purposes.

- (6) Controlled heating of orchards or other crops to lessen the chances of their being frozen so long as the emissions from this heating do not violate minimum standards set by the State Air Quality Board.
- (7) The controlled burning of not more than two structures per year by an organized and operating fire department for the purpose of training fire service personnel when the United States Weather Service clearing index for the area where the burn is to occur is above 500.

Sec. 20-2-5. - Permissible burning with permit.

Except as prohibited by this chapter, and when not prohibited by other laws or by lawful order of an authorized official, the types of open burning listed in this section are permissible, but only when a permit is obtained as described in Section 20-2-6.

- (1) Open burning of clippings, bushes, plants, and tree prunings incident to property clean-up activities, including residential cleanup. The materials to be burned must be thoroughly dry. No other trash, other waste, or oil may be included in the material to be burned, used to start fires, or used to keep fires burning under this subsection.
- (2) Open burning of tree cuttings and slash in forest areas where the cuttings accrue from pulping, lumbering, and similar operations, but excluding waste from sawmill operations such as sawdust and scrap lumber.
- (3) Open burning of trees and brush within railroad rights-of-way provided that dirt is removed from stumps before burning, and that tires, oil more dense than #2 fuel oil, tar, or other materials which can cause severe air pollution are not present in the materials to be burned, and are not used to start fires or to keep fires burning.
- (4) Open burning of a fire hazard that a county or municipal fire authority determines cannot be abated by any other viable option.
- (5) Open burning of highly explosive materials when a county or municipal fire authority, law enforcement agency, or governmental agency having jurisdiction determines that onsite burning or detonation in place is the only reasonably available method for safely disposing of the material.
- (6) Open burning for the disposal of contraband in the possession of public law enforcement personnel provided they demonstrate to the county or municipal fire authority that open burning is the only reasonably available method for safely disposing of the material.

Sec. 20-2-6. – Burning permits.

Burning permits are governed by laws and rules established by the Utah State Legislature and the Utah Department of Environmental Quality (DEQ). Those laws and rules supersede any conflicting local ordinances, and nothing in this Chapter is intended to permit violations of those

laws and rules. As of the date of enactment of this Chapter, the following list contains some of the basic rules and procedures that are in place. However, this is not a complete list of applicable rules and procedures; for current and complete information, interested persons are encouraged to contact the DEQ or to visit its website.

- (1) All residents must obtain a permit from the DEQ, either by using the DEQ's permit website or by contacting the DEQ for a paper application, before conducting any burning operations that require a permit. As of the drafting of this Chapter, the online application may be found at this website:
<http://air.utah.gov/OpenBurning/form/index.php>
- (2) Special permits may be granted by local fire authorities in limited circumstances, subject to state laws and rules.
- (3) Open burning of clippings, bushes, plants, and tree prunings incident to property clean-up activities, including residential cleanup, may only occur during one of the State's open burn windows, which for Weber County are as follows:
 - a. The spring burn window is from March 30th through May 30th.
 - b. The fall burn window is from September 15th through October 30th.
- (4) Burning that requires a permit is conditional under the Clearing Index System, which is dependent on local weather conditions and coordinated by the Utah Division of Air Quality. The clearing index is a number indicating the predicted rate of clearance of ground level pollutants from a given area, and it must be above 500 before burning with a permit may occur. The current or forecasted clearing index may be found by contacting the DEQ or by visiting its website and starting the permit application process.

Sec. 20-2-7. – Burning of waste

It is unlawful to burn any trash or other waste, except as allowed under this Chapter.

CHAPTER 3. - WILDLAND URBAN INTERFACE CODE ADOPTED

Sec. 20-3-1. - Adoption.

Weber County hereby adopts the Utah Wildland Urban Interface Code, as modified in accordance with section 20-3-2, as the Weber County Wildland Urban Interface Code, and incorporates it by reference into the County Code. Except as provided in section 20-3-2, future amendments to the Utah Wildland Urban Interface Code shall automatically be incorporated and effective as amendments to the Weber County Wildland Urban Interface Code.

Sec. 20-3-2. – Modifications to the adopted Utah Wildland Urban Interface Code.

- (a) Weber County may, to the extent allowed by state law, adopt modified requirements in the Weber County Wildland Urban Interface Code that differ from the Utah Wildland Urban Interface Code. Future amendments to the Utah Wildland Urban Interface Code that conflict with the County’s modified requirements shall automatically be incorporated and effective as amendments to the Weber County Wildland Urban Interface Code, superseding the County’s modified requirements, unless the County again adopts modified requirements that differ from the amended Utah Wildland Urban Interface Code.
- (b) If, in accordance with state law, the Weber Fire District adopts modified requirements that differ from the Utah Wildland Urban Interface Code and notifies the County by sending copies of its resolution adopting the modified requirements to the chair of the board of county commissioners and to the county building official, then the District’s modified requirements shall automatically be incorporated into the Weber County Wildland Urban Interface Code, unless the District’s modified requirements conflict with modifications adopted by the County, or unless the County acts to prevent the District’s modified requirements from being incorporated into the Weber County Wildland Urban Interface Code.

Sec. 20-3-3. - Applicable area.

For purposes of this section, “developed areas” means commercial or residential buildings and the lots or parcels on which they are located, extending to the property lines.

The Wildland Urban Interface Code of Weber County is applicable in all developed areas in unincorporated Weber County that meet both of the following criteria:

- (1) they are located in
 - a. F zones;
 - b. DRR-1 Zones; or
 - c. CV zones that are entirely surrounded by F zones, DRR-1 zones, or any combination of F zones, DRR-1 zones, and forest or resort zones in an adjacent county; and
- (2) they are located in the area that begins one-half mile east, or otherwise toward the Wasatch mountains, from the following line, and extends to the east and north to the Weber County boundaries:

Beginning at the intersection of the Weber/Davis County line and State Route 89 (SR89), in the State of Utah;

Thence Northwesterly along SR89 to Harrison Blvd.;

Thence Northerly along Harrison Blvd., to Mountain Road;

Thence Northerly along Mountain Road to Fruitland Drive;
Thence Northerly along Fruitland Drive to 2600 North Street;
Thence Easterly along 2600 North Street to 1050 East Street;
Thence Northerly along 1050 East Street to 3100 North Street;
Thence Westerly along 3100 North Street to 300 West Street;
Thence Southerly along 300 West Street to Elberta Drive;
Thence Northwesterly along Elberta Drive to Pleasant View Drive;
Thence Northwesterly along Pleasant View Drive to SR89;
Thence Northwesterly along SR89 to the Weber/Box Elder County Line.

All other areas of Weber County are exempt from the requirements of the Wildland Urban Interface Code.

Sec. 20-3-4. - Revised sections.

The following sections are revised as indicated:

- (1) Add Section 101.6. Where conflicts between this Code and the International Fire Code exist the International Fire Code shall apply.
- (2) Delete Section 403.2.
- (3) In Section 403.7, change 12 percent to 10 percent.
- (4) Delete Section 404.2.
- (5) Add Section 404.11. No Available Water Supply. In areas where there is no available water supply, capable of supplying fire flow, as determined by the code official, fire sprinklers, as approved by the code official, may be considered as an alternative, as allowed under state law.
- (6) In Section 602, remove the word "deleted" and add the following: "All structures deemed to be high hazard or extreme hazard may be viewed as moderate hazard when fire sprinklers are installed as approved by the code official, as allowed under state law."

Sec. 20-3-5. - Place where filed.

Three copies of the Weber County Wildland Urban Interface Code shall be filed for use and examination by the public in the administrative offices of the Weber Fire District, State of Utah.

CHAPTER 4. - ENFORCEMENT

Sec. 20-4-1. – Definitions

When used in this chapter, the following words and phrases have the meaning ascribed to them in this section, unless the context indicates a different meaning:

Authorized official means an officer or employee of the State or of one of its political subdivisions who is authorized by any law, ordinance, or rule to take an action related to fire safety or air quality.

Sec. 20-4-2. – Inspections.

- (a) Any authorized official may, with the consent of the owner or occupant, enter and inspect any property at any reasonable time to verify compliance with this Title.
- (b) A court of competent jurisdiction may issue a suitably restricted search warrant to an authorized official, upon a showing of probable cause in writing and upon oath or affirmation, for the purpose of enabling the authorized official to make an inspection to verify compliance with this Title.
- (c) No person shall refuse entry or access to any authorized official who requests entry for purposes of inspection and who presents appropriate credentials and a valid warrant, nor shall any person obstruct or interfere with any such inspection.
- (d) Nothing in this section shall be construed to prevent prompt inspection without consent or a warrant in emergency situations.
- (e) Nothing in this section shall be construed to prevent or restrict other inspections authorized by law.
- (f) If requested, the owner or occupant of the property shall receive a report setting forth all facts found that relate to compliance status.

Sec. 20-4-3. - Penalties.

- (a) Any person who violates a provision of this Title, or who does work in violation of a lawful directive of an authorized official, or of a permit or certificate used under provisions of this Title, shall be guilty of a class B misdemeanor, and upon conviction shall be punished as provided by the laws of the State for class B misdemeanors. In addition, any person who

violates a provision of this Title may be enjoined from continuing such violations. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

- (b) In addition to the imposition of the penalties described in subsection (a), an authorized official may take any action reasonably necessary to prevent, restrain, enjoin, correct, or abate any violation of this Title.

This Ordinance shall be effective 15 days after publication in the Standard Examiner.

PASSED, ADOPTED, AND A SYNOPSIS ORDERED PUBLISHED this 18th day of July 2017.

BOARD OF COUNTY COMMISSIONERS
OF WEBER COUNTY

By James Ebert
James Ebert, Chair

Commissioner Ebert voted
Commissioner Gibson voted
Commissioner Harvey voted

all
excused
aid

ATTEST:

Ricky Hatch
Ricky Hatch, CPA
Weber County Clerk/Auditor