

Chapter 8.32

BURNING RESTRICTIONS

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8.32.010 Compliance with provisions required.

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. 89-05 § 2 (part): prior code § 10-142)

8.32.020 Permissible burning-Permit not required.

- A. 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 Hyrum City fire chief or his duly authorized agent, the following types of burning are permitted without a permit:
 - 1. 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 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 Hyrum City fire chief, notice of which has been published once in a newspaper of general circulation of the city;
 3. Fires in indoor fireplaces or wood or coal stoves;
 4. Burning on the premises of combustible household wastes generated by occupants of dwellings of four-family units or less in those areas only where no public or duly licensed disposal service is available.
- B. A burning permit is not required for the burning of fence lines or 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. (Ord. 89-05 § 2 (part): prior code § 10-143)

8.32.030 Permissible burning-Permit required.

- A. 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 Hyrum City fire chief or his duly authorized agent, the following types of burning are permitted; provided, that a city permit has first been obtained:
1. The burning of prunings from trees, bushes and plants, or of dead or diseased trees, bushes and plants, including stubble, incidental to horticultural or agricultural operations;
 2. 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. Open burning of materials or structures when conducted under the control and supervision of the Hyrum City fire chief;
4. Fires for firemen training purposes when conducted under the direct control and supervision of the Hyrum City fire chief;
5. Open burning at an approved site of hazardous materials for which there is no practical or reasonable alternative method of disposal; provided, that such burning shall be under the supervision of the Hyrum City fire chief and in accordance with state law;
6. Other open burning for special purposes or under unique circumstances when approved by the Hyrum City fire chief and the county health department following a formal request therefor;
7. Fires on any city property including roads, rights-of-way, ditchbanks, river bottomlands, wildlands, or other areas of city domain. (Ord. 89-05 § 2 (part): prior code § 10-144)

8.32.040 Permit-Issuance authority-Application process and forms.

- A. City permits shall be issued by the Hyrum City fire chief who shall be authorized to determine the appropriate application process and forms for the issuance of such permits.
- B. The Hyrum City fire chief or his duly authorized agent 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:
 1. The name of the applicants;
 2. The burning site;
 3. The nature, anticipated time, and date of the proposed burning; and
 4. The time and date of the granting of the permit. (Ord. 89-05 § 2 (part): prior code § 10-147 (A), (B))

8.32.050 Permit-Fee.

The Hyrum City council may, at its discretion, establish fees by resolution for permits. Until such resolution is adopted, no fees shall be assessed. (Ord. 89-05 § 2 (part): prior code § 10-147 (C))

8.32.060 Permit-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 persons or property, the Hyrum City fire chief may, upon notice to any person having a permit, temporarily suspend such permit pending a hearing before the Hyrum City council; provided, that:

- A. The city council shall hold a review hearing, due notice of which has been given to the permittee and the owners of any property affected or likely to be affected by the affirmation, revocation or cancellation of any permit.
- B. At the hearing, the city council, upon formal findings of fact, orders that the permit be modified, revoked or suspended and specify the reasons therefor in writing to the permittee and to the Hyrum City fire chief. (Ord. 89-05 § 2 (part): prior code § 10-147 (D))

8.32.070 Unattended and uncontrolled fires prohibited.

- A. It is unlawful for any person to leave any fire unattended whether on public or private property.
- B. A fire shall be deemed "unattended" when any flame, live coals or embers remain and the person or persons responsible for the fire have left the proximity of the fire either in distance or time that would preclude prompt suppression action by the person or persons.
- C. 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.
- D. It is unlawful for any person to maintain or commit any public nuisance. (Ord. 89-05 § 2 (part): prior code § 10-146)

8.32.080 Burning at community waste sites-Restrictions.

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 (UCA 26-13). (Ord. 89-05 § 2 (part): prior code § 10-141)

8.32.090 Burning on Utah Division of Wildlife Resources lands.

The consent of the Utah Division of Wildlife Resources shall be required for any fires on property leased, owned or controlled by that division as wildlands or wildlife habitats. (Ord. 89-05 § 2 (part): prior code § 10-145)

8.32.100 Enforcement.

- A. The responsibility for the enforcement of this chapter shall be primarily in the Hyrum City 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 Hyrum City fire chief.
- B. If there is reason to believe that any fire presents or is likely to present a danger to persons or property, the above-designated officers or deputies shall have the authority to require the immediate suppression or prohibition of such burning pending further action by the Hyrum City fire chief or city council as the case may require. (Ord. 89-05 § 2 (part): prior code § 10-148)

8.32.110 Violation-Penalty.

- A. Any person who violates or fails 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, punishable by a fine not to exceed one thousand dollars or imprisonment for not more than six months or by both such fine and imprisonment for each offense.
- A. 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 Hyrum City or the state shall be liable to the city or state for payment of all costs therefor. (Ord. 93-02 § 1 (part); Ord. 89-05 § 2 (part): prior code § 10-149)