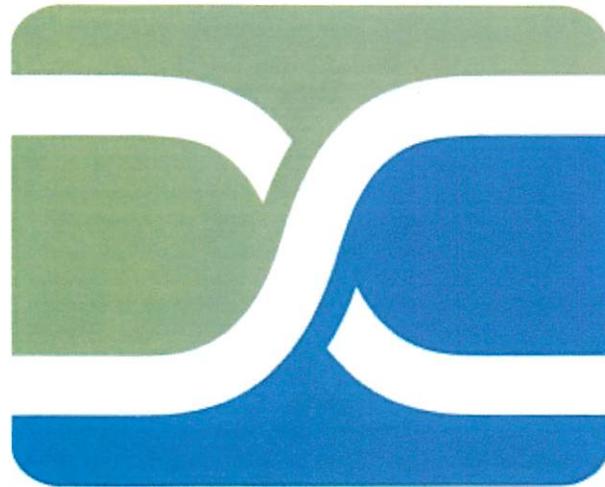


DAVIS COUNTY BOARD OF HEALTH

OPEN BURNING REGULATION



Davis

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1.0 PURPOSE

The purpose of this regulation is to preserve, promote, and protect the public health, safety, and general welfare of residents and visitors in Davis County by establishing minimum standards for open burning.

2.0 SCOPE

This regulation is applicable within all incorporated and unincorporated areas of Davis County.

3.0 AUTHORITY AND APPLICABLE LAWS

This regulation is adopted under the authority of the Davis County Board of Health in accordance with Utah Code Annotated (UCA) Section 26-A-1 Section 121.

The provisions of the Utah Administrative Code (UAC): Chapter R307-202 are hereby adopted and incorporated by reference subject to the additions, clarifications, exceptions, and modifications set forth in this regulation.

4.0 DEFINITIONS

- 4.1 **AGRICULTURAL or HORTICULTURAL BURNING:** Open burning on premises including an orchard constituting twenty-five (25) or more fruit or nut trees on a single parcel of property; or agricultural activities on two (2) or more cultivated acres on single or contiguous parcels of property, except in areas zoned as residential.
- 4.2 **CLEARING INDEX:** The mixing depth (depth of the mixed layer in 100s of feet above ground level) multiplied by the transport wind (average wind in the mixed layer in knots) as defined by the National Oceanic and Atmospheric Administration (NOAA). A clearing index of below 500 is considered poor ventilation while 1000+ is considered excellent ventilation.
- 4.3 **DEPARTMENT:** The Davis County Health Department.
- 4.4 **OPEN BURNING:** As defined in the 2015 International Fire Code, the burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber.
- 4.5 **PERSON:** Any individual, firm, corporation and its offices, association, partnership, trustee, executor or an estate, governmental agency or any other legal entity recognized by law, in the singular or plural.

- 4.6 RECREATIONAL FIRES: An outdoor fire that is used for pleasure, religious, ceremonial, cooking, warmth, or similar purposes.

5.0 REGULATION

5.1 Open Burning Permits

Except for Agricultural or Horticultural Burning and Open Burning as specified in R307-202-6, a Person may not conduct open burning without a current and valid operating permit or approval issued by the Municipal Fire Authority. Open burning permits or approval for unincorporated Davis County will be issued by the Davis County Fire Marshal.

5.1.1 Minimum Requirements to Obtain a Permit.

To obtain a permit, an applicant shall:

5.1.1.1 Submit Application and Required Information.

Submit an application for a permit and any other required information to the Municipal Fire Authority prior to burning;

5.1.1.2 Pay fees.

Pay any applicable fees at the time the application is submitted;

5.1.2 Permitted Burnings

If the above requirements are met, the following burnings are permitted;

5.1.2.1 Pruning's from trees, bushes, plants, dead or diseased trees, weed growth along ditch banks, for clearing these ditches for irrigation purposes.

5.2 Agricultural or Horticultural Burning

5.2.1 Notification

A Person must notify the Municipal Fire Authority prior to conducting Agricultural or Horticultural Burning.

5.3 Recreational Fires

5.3.1 Maximum Size.

Camp fires or 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 must have a total fuel area of three (3) feet or less in diameter and two (2) feet or less in height.

5.3.2 Fuel Type

Camp fires or fires used solely for recreational purposes where such fires are under the control of a responsible person must only use combustible material that is clean, dry wood or charcoal.

5.3.3 Notification

If the above requirements are met, a person is exempt from notifying or obtaining approval from the local fire authority or Davis County Fire Marshall.

6.0 PENALTY

6.1 Criminal Penalties Pursuant to UCA Section 26A-1-123

- 6.1.1 Any Person who is found guilty by a court having proper jurisdiction of: violating any of the provisions of this regulation; or, violating, disobeying, or disregarding any Notice or Order issued under this regulation is guilty of a class B misdemeanor;
- 6.1.2 Any Person who is found guilty of a subsequent similar violation within two years of the initial violation is guilty of a class A misdemeanor;
- 6.1.3 Each day such violation is committed or permitted to continue shall constitute a separate violation;
- 6.1.4 Conviction under this section does not relieve the Person convicted from civil liability.

6.2. Civil and Administrative Penalties

The exercise of civil and administrative penalties shall be subject to the Board of Health's Adjudicative Hearing Procedures Regulation.

- 6.2.1 Any Person who violates any of the provisions of this regulation or violates, disobeys, or disregards any Notice or Order issued under this regulation shall be subject to:
 - 6.2.1.1 The Payment of costs incurred in the enforcement of any violation or notice issued, including costs attributable to any involved local agencies;
 - 6.2.1.2 A penalty pursuant to the provisions of UCA Subsection 26-23-6(2).

7.0 SEVERABILITY

If any provision, clause, sentence, or paragraph of this regulation or the application or circumstances shall be held to be invalid, such invalidity shall not affect the other provisions or applications of this regulation. The valid part of any clause, sentence, or paragraph of this regulation shall be given independence from the invalid provisions or application, and to this end the provisions of this regulation are declared to be severable.

8.0 FEES

8.1 Applicable fees

Any applicable fees as determined by the Municipal Fire Authority must be paid prior to burning.

IN WITNESS WHEREOF, the Davis County Board of Health has passed, approved and adopted this regulation this 12th day of October, 1971.

Effective date: 12th day of October, 1971

Revised and Amended: June 8, 1982

Revised and Amended: August 9, 2011

Revised and Amended: November 8, 2016

Davis County Board of Health

Signed: 
Scott Zigich
Board Chairman

Attest: 
Brian Hatch, M.P.H.
Director of Health