

## ORDINANCE NO. 2018-04

### ORDINANCE TO CONTROL OPEN BURNING IN THE TOWN OF DUTCH JOHN

WHEREAS, there is no burning ordinance currently enacted;

WHEREAS, the Dutch John Town Council feel there is a need for a burning ordinance and have recommended the following ordinance;

#### OPEN BURNING IN THE TOWN OF DUTCH JOHN

- (A) **OPEN BURNING PROHIBITED.** No person, firm or corporation shall build any outdoor fire within the-corporate town limits of the Town of Dutch John excepting as set forth in Subsection (b), (c) and (d) of this Section.
- (B) **RECREATIONAL FIRES.**
- (1) **Intent.** It is intent of the Town that citizens shall have the opportunity to have recreational fires at single-family and two-family dwellings provided that such fires are in strict compliance with restrictions relating to recreational fires. It is further the intent of the Town that the fire department shall strictly enforce these restrictions so as to ensure that such fires do not compromise safety nor annoy neighbors. Such complaints shall be investigated and any action necessary to correct the situation is at the complete discretion of the fire department.
  - (2) **Inspection/Approval.** All new and existing recreational fire pits within the Town boundaries shall be applied for by submitting a completed Fire Pit Application form, available from the Town Clerk or Town web site. The fire pit installation will be inspected by the acting Fire Official and either approved or denied with explanation.
  - (3) **Location.** No recreational fire shall be closer than 10 feet minimum from any building, shed, garage, fence or any other combustible materials or any adjoining property line. The Fire Official may increase the minimum distance accordingly to the diameter of the fire pit being installed.
  - (4) **Construction.** All recreational fires shall be in a below ground fire pit with a minimum depth of 12 inches. The fire may not extend more than 2 feet above the fire pit. The fire pit shall be surrounded on the outside, above ground, by a non-combustible material such as, but not limited to, concrete block, bricks or rocks. No burn barrels allowed.
  - (5) **Portable Fire Pits.** Portable fire pits are defined as devices commercially designed to contain and control outdoor wood fires, may be used in accordance with the manufacturer's recommendations. The device must be placed on a non-combustible surface at least twice the diameter of the device.
  - (5) **Materials for burning.** Materials for recreational fires shall consist of clean, dry wood that is unpainted and untreated. Material shall not include rubbish, garbage, trash, leaves, brush or garden waste or any material made of or coated with rubber, plastic, leather or petroleum-based materials and may not contain any flammable or combustible liquids.

- (6) **Time.** The time for recreational burning shall be from 3:00 p.m. until Midnight
  - (7) **Adequate fire suppression.** Adequate fire suppression equipment shall be immediately available, ie. water hose, bucket of water, shovel etc., to extinguish or control the recreational fire.
  - (8) **Attendance.** All recreational fires must be attended to at all times by a responsible person that is at least 18 years of age or older. The responsible person must be in attendance from the time the fire is ignited until it is extinguished.
  - (9) **Responsibility.** It is the responsibility of the renter/lessee of any property to provide written documentation from the property owner, giving permission to have a recreational fire on that property.
  - (10) **Complaint.** Complaints received by the Town regarding smoke, ash or noxious odors infringing on adjacent properties will require that such fires be immediately extinguished.
- (C) **BONFIRES.** Generally, these types of fires are prohibited in the Town of Dutch John. Only the Fire Official will be allowed to make an exception to this rule. These exceptions, location, date and time and names of the responsible persons shall be reported to the Town Council.
- (D) **CONTROLLED BURNS.** Controlled burns are exempt from all burning restrictions and shall only be conducted by the Fire Department for training or community service to dispose of unwanted materials. These fires will be planned, attended and supervised by the Fire Department.

BE IT ORDAINED, by the Town Council of the Town of Dutch John to adopt this ordinance.

Passed and approved this 26<sup>th</sup> day of November, 2018.

Attest:

Harriet Dickerson

Town Recorder

William J. Rogers

Mayor

Certificate of Posting/Publication

I, Harriet Dickerson the duly appointed and acting recorder for the Town of Dutch John, Utah, hereby certify that a copy of the Ordinance No. 2018-01 was posted in 3 public places, within the town on this 27<sup>th</sup> day of November, 2018.

Harriet Dickerson  
Town Recorder