

**RESOLUTION NO. 1-2001**

**Open Burning Resolution for the North Tooele County Fire Protection  
Special Service District**

The Board of Trustees of North Tooele County Fire District, State of Utah, ordains as follows:

WHEREAS, The North Tooele County Fire District contains a significant amount of land occupied by industrial businesses that generate scrap lumber and pallets, and,

WHEREAS, North Tooele County Fire District contains significant amounts of farm ground, both irrigated and non-irrigated, upon which crops are raised, and,

WHEREAS, a significant amount of the crop land located within North Tooele County Fire District contains stubble and other agricultural waste at various times of the year, and

WHEREAS, common agricultural practice involves burning stubble fields, resulting in significant quantities of smoke being emitted into the atmosphere and,

WHEREAS, common country side practice involves burning yard debris, clippings, bushes, plants, pruning from trees incident to property clean-up, and

WHEREAS, the smoke released into the air during certain times of the year within the corporate limits of North Tooele County Fire District presents a potential hazard to the public health, safety and general welfare,

THEREFORE, the Board of Trustees of North Tooele County Fire District, deem it appropriate to adopt an Resolution controlling and limiting open air burning within North Tooele County Fire District, involving all types of burning, including agricultural burning, and specifying regulations for the issuance of burning permits and imposing other conditions upon burning within North Tooele County Fire District.

THEREFORE, the Board of Trustees of North Tooele County Fire District, State of Utah, ordains as follows:

1. All burning permits issued within the geographical limits of North Tooele County Fire District, Utah, shall require, in addition to any other conditions imposed by North Tooele County Fire District or other authority, the following:

a. No fires shall be ignited after 6:00 p. m., provided, further, all fires shall be completely extinguished one hour before sunset.

b. When the clearing index is less than 500 feet within the boundaries of Tooele County, no burning shall occur, except such limited burning as may be allowed at the discretion of the County Fire Warden or the Chief or designee of North Tooele

County Fire District. The County Fire Warden or the Chief or designee of North Tooele County Fire District shall, in exercising his discretion, consider the time of day, the potential for the clearing index to rise above 500 feet, the difference in the clearing index between the point of measurement, and the point of proposed burning, the number of fires already burning, if any, the quantity of material to be consumed in the proposed burning, the quality of the material to be consumed in the proposed burning, and the length of the proposed burn.

2. The North Tooele County Fire Chief shall establish a reasonable procedure whereby persons seeking burning permits will be able to obtain the same upon application, assuming burning is permitted under provisions of this Resolution.

a. All permittees must have the permit in possession before commencing any burning, and all burning fires must be supervised and tended by an individual actually remaining at the site of the fire during all time that the fire is burning.

b. A garden hose connected to a water supply or other approved fire-extinguishing equipment shall be readily available for use at open-burning sites.

3. The chief is authorized to require that open burning be immediately discontinued if the chief determines that smoke emissions are offensive to occupants of surrounding property or if the open burning is determined by the chief to constitute a hazardous condition.

4. A burning permit is not required for the burning of fence lines on cultivated lands, canals or irrigation ditches where 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 North Tooele County Fire District of the approximate time the burning will occur.

5. The following types of open burning are permissible without the necessity of securing a permit:

a. In devices for the primary purpose of preparing food such as outdoor grills and fireplaces.

b. Campfires and fires used solely for recreational purposes where such fires are under control of a responsible person.

c. In indoor fireplaces and residential solid fuel burning devices.

6. Unless prohibited by State statutes or regulations, other County Resolutions, applicable declarations of closed fire seasons, the order of a law enforcement officer, Tooele County Health Department, the Tooele County Fire Warden or his duly

authorized agent, the following types of burning are permitted, providing that a permit has first been obtained and subject to the provisions and restrictions herein.

a. 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.

b. Open burning of structures when approved by Tooele County Health Department and when conducted under the control and supervision of the North Tooele County Fire District. (Limited to two a year).

c. Open burning of solid fuels, such as pallets, old wood or scrap wood for removal of hazards or eyesores. Permission will be granted on a case by case, one time basis only after inspection and approval of the Tooele County Health Department and the North Tooele County Fire District.

d. Other open burning for special purposes or under unique circumstances when approved by the North Tooele County Fire District and the Tooele County Health Department following a formal request therefore.

e. Fires on any County property including roads, rights-of-way, ditch banks, river bottom lands, wild lands or other areas of County domain.

7. 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.

8. Open burning on any Federal Land requires a prescribed fire plan. The prescribed fire plan must be submitted to the Bureau of Land Management (BLM) for approval.

9. Penalties and Liabilities:

a. Any person who shall violate or fail to comply with the provisions of this Resolution shall, for each day for each violation or no-compliance be guilty of a separate Class "b" Misdemeanor, punishable by a fine not to exceed \$1,000 or imprisonment for not more than six months, or by both such fine and imprisonment, for each offense.

b. 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 North Tooele County Fire District or State shall be liable to the North Tooele County Fire District or State for the payment of all costs therefore.

10. This Resolution shall become effective upon adoption, publication and posting in the manner required by law.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2001.

**North Tooele County Fire Protection Service District**

By: \_\_\_\_\_  
Chairman Board of Trustees

**Attest:**

\_\_\_\_\_  
Secretary Board of Trustees