

ATTN: SCOTT HANXS

ORDINANCE NO. 177

The Board of County Commissioners of Box Elder County, State of Utah, ordains as follows:

WHEREAS, the County of Box Elder 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 Box Elder County contains stubble and other agricultural waste at various times of the year, but particularly during the late summer and early fall months, and

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

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

THEREFORE, the Board of County Commissioners of Box Elder County deem it appropriate to adopt an ordinance controlling and limiting open air burning within Box Elder County, involving all types of burning, including agricultural burning, and specifying regulations for the issuance of burning permits and imposing other conditions upon burning within Box Elder County.

THEREFORE, the Board of County Commissioners of Box Elder County, State of Utah, ordains as follows:

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

a. No fires shall be ignited before 10:00 a.m. or after 6:00 p.m., provided, further, all fires shall be completely extinguished one hour before sunset.

b. The geographical area of Box Elder County shall be divided into 12 zones, numbered 1-12 as shown on Exhibit "A" attached hereto, and the maximum number of acres per zone which may be actually burning at any given time shall be dependent upon the status of the clearing index for that particular day, all as shown on Exhibit "B" attached hereto.

c. When the clearing index is less than 500 feet within the corporate limits of Box Elder County, no burning shall occur within the corporate limits of Box Elder County, except such limited burning as may be allowed at the discretion of the County Fire Marshall. The County Fire Marshall 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.

d. No burning shall occur in any area which has

received any precipitation within the immediately preceding 24 hours prior to the ignition of any fire.

e. All ashes must be incorporated into the ground within 24 hours of the fire being extinguished, with the exception of fence lines, ditches, ditch banks, levees and canals.

f. 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.

2. The County Fire Marshall 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 ordinance.

3. All permittees must have the permit in possession before commencing any burning, and the permit shall be present at the site of the fire during all times supervision of the fire is required by this ordinance.

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 Box Elder County Sheriff Dispatch Office of the approximate time the burning will occur.

5. Unless prohibited by State statutes or regulations, other County ordinances, applicable declarations of closed fire

seasons, the order of a law enforcement officer, the Box Elder County Fire Marshall or his duly authorized agent, the following types of burning are permitted, providing that a County 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 materials or structures when conducted under the control and supervision of the Box Elder County Fire Marshall.

c. Fires for firemen training purposes when conducted under the direct control and supervision of the Box Elder County Fire Marshall.

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

e. Fires on any County property including roads, rights-of-way, ditchbanks, river bottomlands, wildlands or other areas of County domain.

6. 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 wildlands or wildlife habitats.

7. Penalties and Liabilities:

a. Any person who shall violate or fail to comply with the provisions of this ordinance shall, for each day for each violation or non-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 County or State shall be liable to the County or State for the payment of all costs therefore.

8. Box Elder County Ordinances No. 172 and No. 176 are hereby repealed, as of the effective date of this Ordinance.

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

ADOPTED this 14th day of April 1992.

BOX ELDER COUNTY COMMISSION

by: James J. White
 JAMES J. WHITE, CHAIRMAN

ATTEST:

Marie G. Korth
 MARIE KORTH
 COUNTY CLERK

VOTING:

JAMES J. WHITE Aye
 FRANK NISHIGUCHI Absent
 ALLEN L. JENSEN Aye

ORDINANCE NO. 254

AN ORDINANCE AMENDING BOX ELDER COUNTY ORDINANCE NO. 177

The Board of County Commissioners of Box Elder County, State of Utah, ordains as follows:

WHEREAS, Box Elder County Ordinance No. 177 controls burning and the issuance of burning permits within Box Elder County, and

WHEREAS, since the adoption of Ordinance No. 177, additional issues and problems with open burning have become apparent, including the release into the atmosphere of significant quantities of smoke and the attendant potential hazard to the public health, safety, and general welfare;

THEREFORE, the Board of County Commissioners of Box Elder County deems it appropriate to amend Ordinance No. 177 to further control and limit open air burning within Box Elder County.

THEREFORE, the Board of County Commissioners of Box Elder County, State of Utah, ordains as follows:

1. Box Elder County Ordinance No. 177 is amended by adding Section 1.g., as follows:

g. No permits for burning will be issued for any Sunday or any Monday, nor shall any permits be issued during the week when the Box Elder County Fair is held, from Tuesday through and including Saturday of that week.

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

BOX ELDER COUNTY COMMISSION

by: Royal K. Norman
ROYAL K. NORMAN, CHAIRMAN

ATTEST:

Lynn Adams
LYNN ADAMS, COUNTY CLERK



VOTING:

ROYAL K. NORMAN	<u>yes</u>
STEVE HOLMGREN	<u>yes</u>
SUZANNE REES	<u>yes</u>