

**MILLVILLE CITY CODE
TITLE 8 - HEALTH AND SAFETY
CHAPTER 8.24 - OPEN BURNING**

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8.24.010: GENERAL PROHIBITION

No person shall burn any trash, garbage or other waste except as provided by this chapter.
(Ord. 89-06-20 § 1, 1989)

8.24.020: PERMISSIBLE BURNING WITHOUT A PERMIT

- A. Unless prohibited by state statutes or regulations, other county or city ordinances, applicable declarations of closed fire seasons, or the order of a law enforcement officer, the Cache County fire chief or his or her 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;

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 Cache County fire chief, notice of which has been published once in a newspaper of general circulation in the county;
 3. Fires in indoor fireplaces.
- B. A burning permit is not required for the burning of fence lines on 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. 89-06-20 § 2, 1989)

8.24.030: PERMISSIBLE BURNING PERMIT REQUIRED

Unless prohibited by state statutes or regulations, other county or city ordinances, applicable declarations of closed fireseasons, or the order of a law enforcement officer, the Cache County fire chief or his or her duly authorized agent, the following types of burning are permitted, providing that a county permit has first been obtained:

- A. The burning of pruning from trees, bushes, and plants, or of dead or diseased trees, bushes, and plants, including stubble, incidental to horticultural or agricultural operations;
- B. 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;
- C. Open burning of materials or structures when conducted under the control and supervision of the Cache County fire chief;
- D. Fires for firefighters' training purposes when conducted under the direct control and supervision of the Cache County fire chief;
- E. Other open burning for special purposes or under unique circumstances when approved by the county fire chief and the county health department following a formal request therefor.
- F. Fires on any city property including roads, rights of way, ditch banks, river bottomlands, wildlands, or other areas of city domain. (Ord. 89-06-20 § 3, 1989)

8.24.040: UNATTENDED AND UNCONTROLLED FIRES PROHIBITED

- A. It is unlawful for any person to leave any fire unattended whether on private or public 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 such 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 violation of law.
- D. It is unlawful for any person to maintain or commit any public nuisance. (Ord. 2000-14 § 2: Ord. 89-06-20 § 4, 1989)

8.24.050: PERMITS

- A. Permits shall be issued by the Cache County fire chief who shall be authorized to determine the appropriate application process and forms for the issuance of such permits.
- B. The Cache County fire chief is authorized to grant a permit orally to an applicant provided that the fire chief make and maintain a written record of the permit including the name of the applicants; the burning site; the nature, anticipated time, and date of the proposed burning; and the time and date of the granting of the permit.
- C. The Cache County council may, at its discretion, establish fees by resolution for burning permits. Until such resolution is adopted, no fees shall be assessed.
- D. Whenever there is probable cause to believe that there has been a violation of the provisions of this chapter of state law as to any fire or if circumstances give reasonable concern for the safety of persons or property, the Cache County fire chief may, upon notice to any person having a permit, temporarily suspend such permit pending a hearing before the city council provided that:

1. 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, modification, revocation or cancellation of any permit.
2. At that hearing, the city council, upon formal findings of fact, order that the permit be modified, revoked, or suspended and specify the reasons therefor in writing to the permittee and to the Cache County fire chief. (Ord. 89-06-20 § 5, 1989)

8.24.060: COUNTY AUTHORITIES

- A. The responsibility for the enforcement of this chapter shall be primarily on the Cache County fire chief or his or her duly authorized agents or deputies and also on the Cache County sheriff or his or her duly authorized deputies in conjunction with the Cache County 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 Cache County fire chief or city council as the case may require. (Ord. 89-06-20 § 6, 1989)

8.24.070: PENALTIES AND LIABILITIES

- A. Any person who shall violate or fail 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 (\$1,000.00) plus an eighty five percent (85%) surcharge or imprisonment for not more than six (6) 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 city, county, or state shall be liable to the city, county, or state for the payment of all costs therefore. (Ord. 2000-14 § 2: Ord. 89-06-20 § 7, 1989)