

ORDINANCE 19-10-01

AN ORDINANCE REPEALING AND REENACTING TITLE 7, CHAPTER 4 ENTITLED “OPENING BURNING” BY REPLACING THE WORD “OPENING” WITH THE WORD “OPEN” AND REENACTING THE CHAPTER WITH SUBSTANTIAL CHANGES; PROVIDING FOR REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE

WHEREAS, in a review of Chapter 7-4 of the Kaysville Municipal Code, respectively entitled Opening Burning, it was determined that an update is needed due to a lack of specificity and ability to enforce the aims of the code; and

WHEREAS, the City desires to protect its citizens from the dangers and physical damage that unsafe open burning can cause; and

WHEREAS, the Kaysville City Council finds it to be in the best interest of its citizens to make the proposed amendments to Title 7 of the Kaysville Municipal Code;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF KAYSVILLE, UTAH:

SECTION I: Repealer. If any provisions of the City's Code previously adopted are inconsistent herewith they are hereby repealed.

SECTION II: Repeal and Reenactment. Title 7, Chapter 4 of the Kaysville Municipal Code is hereby repealed and reenacted to read:

Chapter 4 Open Burning

7-4-1 Definitions

7-4-2 General Prohibitions

7-4-3 Permissible Burning - Without Permit

7-4-4 Permissible Burning - With Permit

7-4-5 High Risk

7-4-6 Liability

7-4-7 Penalty

7-4-1 Definitions

1. “Barbecue grill” means equipment used for outdoor cooking that uses as its heat source electricity or the burning of charcoal, liquid propane gas, or other liquid or gaseous fuel.
2. “Campfire” means a small outdoor fire intended for recreation, ceremonies, or cooking not including a fire intended for disposal of waste wood or refuse.
3. “Clean Wood” means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.
4. “Confidential papers” means printed material containing personal identification or financial information that the owner wishes to destroy.
5. “Fire Chief” means the Chief of the Kaysville City Fire Department or other person authorized by the Fire Chief.
6. “Fireplace Stove” is a freestanding, chimney-connected fire chamber which is constantly open to view. It is designed to burn wood, electricity, liquid propane gas, or other liquid or gaseous fuel.
7. “Open Burning” means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney.
8. “Refuse” means any waste material except clean wood.

7-4-2 General Prohibitions

1. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning except in conformity with the provisions of this code.
2. Materials that may not be burned:
 - a. Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
 - b. Waste oil or other oily wastes except used oil burned in a heating device for energy recovery
 - c. Asphalt and products containing asphalt.
 - d. Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
 - e. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - f. Rubber including tires and synthetic rubber-like products.

7-4-3 Permissible Burning - Without Permit

When not prohibited by other laws or by other officials having jurisdiction and provided that a nuisance is not created, the following types of open burning are permissible without the necessity of securing a permit, when conducted in accordance with the provisions of the current edition of the International Fire Code.

1. In devices for the primary purpose of preparing food such as barbecue grills or fireplace stoves.
2. Campfires shall be confined by a control device or structure such as a barrel, fire ring, or fire pit.
 - a. Open burning under this section shall only be conducted at a location at least 50 feet from the nearest building.
 - b. Open burning shall be constantly attended and supervised by a competent person of at least eighteen years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
3. In indoor fireplaces.
4. Properly operated industrial flares for combustion of flammable gases.
5. Controlled heating of orchards or other crops to lessen the chances of frost so long as the emissions from the heating do not violate minimum standards set by the Utah State Air Quality Board.
6. In compliance with the “clearing index” system approved and coordinated by the Davis County Health Department and after notification of the Kaysville Fire Department of the approximate time that the burning will occur, burning incident to fruit orchards of 25 or more fruit trees on one contiguous property or to horticulture or agricultural operations on two or more cultivated acres of contiguous property of:
 - a. pruning’s from trees, bushes, and plants; or
 - b. dead or diseased trees, bushes, and plants, including stubble; or
 - c. Weed growth along fence lines; canals or irrigation ditches.

7-4-4 Permissible Burning - With Permit

The following types of open burning are permissible under the terms of individual permits issued by Kaysville City in compliance with the “clearing index” system approved and coordinated by the Davis County Health Department.

1. Burning of solid or liquid fuels or structures for removal of hazards or eyesores for fire-fighting training purposes when conducted under the direct control and supervision of the Kaysville Fire Department.

7-4-5 High Risk

The Kaysville Fire Chief may prohibit open burning in specified locations within Kaysville City for any specified period of high fire danger or other risk.

7-4-6 Liability

A person utilizing or maintaining outdoor burning shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

7-4-7 Penalty

A violation of this chapter shall be a class C misdemeanor.

SECTION III: Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION IV: Effective Date. This ordinance being necessary for the peace, health, and safety of the City, shall become effective immediately upon posting.

PASSED AND ADOPTED by the Kaysville City Council this **3rd day of October, 2019.**



A handwritten signature of Katie Witt in black ink, followed by a horizontal line for her title.
Katie Witt, Mayor

ATTEST:

A handwritten signature of Annemarie Plaizier in black ink, followed by a horizontal line for her title.
Annemarie Plaizier, City Recorder