

The Statutes and Administrative Rules with regard to Open Burning in the State of Utah are listed as follows:

UCA 11-7-1. Cooperation with other governmental units -- Burning permits -- Contracts.

(1) The governing body of every incorporated municipality and the board of commissioners of every county shall provide adequate fire protection within their own territorial limits and shall cooperate with all contiguous counties, municipal corporations, private corporations, fire districts, or federal governmental agencies to maintain adequate fire protection within their territorial limits.

(2) Every incorporated municipality and every county may:

(a) require that persons obtain a burning permit before starting a fire on any forest, brush, range, grass, grain, stubble, or hay land, except that a municipality or county may not require a burning permit for the burning of fence lines on cultivated lands, canals, or irrigation ditches, provided that the individual notifies the nearest fire department of the approximate time that the burning will occur;

(b) maintain and support a fire-fighting force or fire department for its own protection;

(c) contract to furnish fire protection to any proximate county, municipal corporation, private corporation, fire district, state agency, or federal agency;

(d) contract to receive fire protection from any contiguous county, municipal corporation, private corporation, fire district, state agency, or federal governmental agency;

(e) contract to jointly provide fire protection with any contiguous county, municipal corporation, private corporation, fire district, state agency, or federal governmental agency; or

(f) contract to contribute toward the support of a fire-fighting force, or fire department in any contiguous county, municipal corporation, private corporation, fire district, state agency, or federal governmental agency in return for fire protection.

UCA 17-22-2(1)(m). Sheriff -- General duties.

(1) The sheriff shall:

(m) extinguish fires occurring in the undergrowth, trees, or wooded areas on the public land within his county;

UCA 19-2-114. Activities not in violation of chapter or rules.

The following are not a violation of this chapter or of any rules made under it:

(1) burning incident to horticultural or agricultural operations of:

(a) prunings from trees, bushes, and plants; or

(b) dead or diseased trees, bushes, and plants, including stubble;

(2) burning of weed growth along ditch banks incident to clearing these ditches for irrigation purposes;

(3) controlled heating of orchards or other crops to lessen the chances of their being frozen so long as the emissions from this heating do not violate minimum standards set by the board; and

(4) the controlled burning of not more than two structures per year by an organized and operating fire department for the purpose of training fire service personnel when the United States Weather Service clearing index is above 500.

UCA 19-2-121. Ordinances of political subdivisions authorized.

Any political subdivision of the state may enact and enforce ordinances to control air pollution that are consistent with this chapter.

UCA 65A-8-209. Responsibilities of county sheriffs and district fire wardens in controlling fires.

(1) In those counties not directly participating in the state wildland fire protection organization by cooperative agreement as provided in this chapter, the county sheriff shall take appropriate action to suppress uncontrolled fires on state or private lands.

(2) In all cases the sheriff shall:

(a) report, as prescribed by the state forester, on wildland fire control action;

(b) investigate and report fire causes; and

(c) enforce the provisions of this chapter either independently or in cooperation with the state forester.

(3) In those counties participating in the state wildland fire protection organization by cooperative agreement, the primary responsibility for fire control is delegated to the district fire warden, who is designated by the state forester.

(4) The county sheriff and his organization shall maintain cooperative support of the fire control organization.

UCA 65A-8-211. Closed fire season -- Notice -- Violations -- Burning permits -- Personal liability -- Exemptions from burning permits.

- (1) (a) The period from June 1 to October 31 of each year is a closed fire season throughout the state.
- (b) The state forester may advance or extend the closed season wherever and whenever that action is necessary.
- (c) The alteration of the closed season is done by posting the appropriate proclamation in the courthouse of each county seat for at least seven days in advance of the date the change is effective.
- (2) During the closed season it is a class B misdemeanor to set on fire, or cause to be set on fire, any flammable material on any forest, brush, range, grass, grain, stubble, or hay land without:
 - (a) first securing a written permit from the state forester or a designated deputy; and
 - (b) complying fully with the terms and conditions prescribed by the permit.
- (3) The district fire warden appointed by the state forester or the county sheriff in nonparticipating counties shall issue burning permits using the form prescribed by the division.
- (4) (a) The burning permit does not relieve an individual from personal liability due to neglect or incompetence.
 - (b) A fire escaping control of the permittee that necessitates fire control action or does injury to the property of another is prima facie evidence that the fire was not safe.
- (5) The state forester, his deputies, and the county sheriffs may refuse, revoke, postpone, or cancel permits when they find it necessary in the interest of public safety.
- (6) (a) A burning permit is not required for the burning of fence lines on cultivated lands, canals, or irrigation ditches if:
 - (i) the burning does not pose a threat to forest, range, or watershed lands;
 - (ii) due care is used in the control of the burning; and
 - (iii) the individual notifies the nearest fire department of the approximate time the burning will occur.
- (b) Failure to notify the nearest fire department of the burning as required by this section is a class B misdemeanor.
- (7) A burning conducted in accordance with Subsection (6) is not a reckless burning under Section 76-6-104 unless the fire escapes control and requires fire control action.

R307-202-4. Permissible Burning - Without Permit

When not prohibited by other laws or by other officials having jurisdiction and provided that a nuisance as defined in Section 76-10-803 is not created, the following types of open burning are permissible without the necessity of securing a permit:

- (1) in devices for the primary purpose of preparing food such as outdoor grills and fireplaces;
- (2) campfires and fires used solely for recreational purposes where such fires are under control of a responsible person;
- (3) in indoor fireplaces and residential solid fuel burning devices except as provided in R307-302- 2;
- (4) properly operated industrial flares for combustion of flammable gases; and
- (5) burning, on the premises, of combustible household wastes generated by occupants of dwellings of four family units or less in those areas only where no public or duly licensed disposal service is available.

R307-202-5. Permissible Burning - With Permit

- (1) Open burning is authorized by the issuance of a permit as specified in (3) below when not prohibited by other laws or other officials having jurisdiction, and when a nuisance as defined in Section 76-10-803 is not created.

(2) Individual permits for the types of burning listed in (3) below may be issued by an authorized local authority under the "clearing index" system approved and coordinated by the Department of Environmental Quality.

(3) Types of burning for which a permit may be granted are:

(a) open burning of tree cuttings and slash in forest areas where the cuttings accrue from pulping, lumbering, and similar operations, but excluding waste from sawmill operations such as sawdust and scrap lumber;

(b) open burning of trees and brush within railroad rights-of-way provided that dirt is removed from stumps before burning, and that tires, oil more dense than #2 fuel oil or other materials which can cause severe air pollution are not used to start fires or keep fires burning;

(c) open burning of solid or liquid fuels or structures for removal of hazards or eyesores;

(d) open burning, in remote areas, of highly explosive or other hazardous materials, for which there is no other known practical method of disposal;

(e) open burning of clippings, bushes, plants and prunings from trees incident to property clean-up activities provided that the following conditions have been met:

(i) in any area of the state, the local county fire marshal has established a 30 day period between March 1 and May 30 for such burning to occur and notified the executive secretary of the open burning period prior to the commencement of the 30 day period, or, in areas which are located outside of Salt Lake, Davis, Weber, and Utah Counties, the local county fire marshal has established, if allowed by the state forester under Section 65A-8-211, a 30 day period between September 15 and October 30 for such burning to occur and has notified the executive secretary of the opening burning period prior to the commencement of the 30 day period;

(ii) such burning occurs during the period established by the local county fire marshal;

(iii) materials to be burned are thoroughly dry;

(iv) no trash, rubbish, tires, or oil are used to start fires or included in the material to be burned.

(4) The Board may grant a permit for types of open burning not specified in (3) above on written application if the Board finds that the burning is not inconsistent with the State Implementation Plan.