

**APPLE VALLEY
ORDINANCE O-2023-28**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “8.10 Burning And Burn Permits” of the Apple Valley Municipal Code is hereby *amended* as follows:

A M E N D M E N T

8.10 Burning And Burn Permits

Open burning is a source of air pollution that is regulated by the Division of Air Quality (DAQ). There are statewide rules in place that regulate open burning activities to help minimize emissions and ensure that the National Ambient Air Quality Standards (NAAQS) are met. Recent modifications to these rules change the open burn periods and include a statewide requirement to obtain a permit form the local county or municipal fire authority prior to burning.

SECTION 2: **AMENDMENT** “8.10.010 Closed Fire Season” of the Apple Valley Municipal Code is hereby *amended* as follows:

A M E N D M E N T

8.10.010 ~~Closed Fire Season~~General Requirements

- ~~A. Subject to the exceptions set forth herein, burning is prohibited during the statutorily closed fire season from June 1st through October 31st, and the regulatorily closed fire season from November 16th through the last day of February. Notwithstanding the same, where state statute permits, from June 1st to October 31st, and the person obtains a state issued closed season burning permit prior to burning, persons may burn pursuant to the terms of the state issued permit.~~
- ~~B. When a person has obtained a closed season burning permit issued by the state, the person shall notify the local fire authority of the approximate time the burn will occur before the burn takes place.~~
- ~~C. Any violation of this section shall be punishable as a class C misdemeanor.~~
- A. The clearing index is 500 or greater. The clearing index is a measure of the atmospheric mixing and wind speed. A clearing index of 500 or less is considered poor atmospheric ventilation.

- B. An open burn permit application must be completed and a valid permit issued by the county or municipal fire authority (Apple Valley Fire) prior to burning. See instructions and a link to the open burn permit application.
- C. Permits may be issued between March 1 and May 30 and between September 15 and November 15 in the counties of Washington, Kane, San Juan, Iron, Garfield, Beaver, Piute, Wayne, Grand, and Emery.
- D. Materials to be burned are thoroughly dry and no trash, rubbish, tires, or oil are included in the material to be burned, used to start fire, or used to keep fires burning.
- E. The Apple Valley Fire Chief must be contacted prior to burning (435-877-1194).

SECTION 3: **AMENDMENT** “8.10.020 Open Fire Season” of the Apple Valley Municipal Code is hereby *amended* as follows:

AMENDMENT

8.10.020 ~~Open Fire Season~~ Permit Criteria

- ~~1. Subject to the exceptions set forth herein, persons shall obtain a town burning permit before starting a fire in the incorporated areas of the town during the open fire season.~~
- ~~2. Any violation of this section shall be punishable as a class C misdemeanor.~~
- A. Prior to completing the open burn permit application, please consider the following:
 - 1. Location and proximity of the proposed burning to any building, other structures, neighbors, or other public areas (parks, schools, businesses, hospital, etc.) that might be impacted by the smoke and emissions from the burn.
 - 2. The clearing index must be above 500.
 - 3. Whether there is any practical alternative method for the disposal of the material to be burned.
 - 4. Methods to minimize emissions and smoke impacts such as clean auxiliary fuel, drying the material prior to ignition, and/or separation for alternative disposal of materials that produce higher levels of emissions and smoke during the combustion process.
 - 5. For burns of piled material, all piles shall be reasonably dry and free of dirt.
 - 6. Open burns shall be supervised by a responsible person who shall notify the local fire department and have available, either on-site or by the local fire department, the means to suppress the burn.

SECTION 4: **AMENDMENT** “8.10.030 Agricultural And Horticultural Exceptions” of the Apple Valley Municipal Code is hereby *amended* as follows:

AMENDMENT

8.10.030 ~~Agricultural And Horticultural Exceptions~~ Permit Application

- ~~A. The regulatorily closed fire season from November 16th through the last day of February, and above-referenced provisions of the open fire season regarding town burning permits are not applicable to:~~
- ~~1. Burning of prunings from trees, bushes, and plants of dead or diseased trees, bushes and plants, including stubble. This exception does not apply in areas zoned as residential where the regulatorily closed fire season applies and the permit must still be obtained.~~
 - ~~2. Burning of weed growth along ditch banks for cleaning these ditches for irrigation purposes.~~
 - ~~3. Controlled heating of orchards or other crops during the frost season to lesson the chances of their being frozen so long as the emissions from the heating do not cause or contribute to an exceedance of any national ambient air quality standards and are consistent with the federally approved state implementation plan.~~
- ~~B. The person conducting any of the above excepted burnings shall notify the local fire authority of the approximate time that the burning will occur before the burn takes place.~~
- ~~C. Any violation of this section shall be punishable as a class C misdemeanor.~~

A. Online Permit Application:

1. Website: [Online Permit Application](#) Be sure to choose Washington County and then Apple Valley.
2. Applicants statewide are required to complete the open burn permit application prior to igniting an open burn. After the application process is completed, a copy of the application is sent electronically to the county or municipal fire authority having jurisdiction in the area where the open burning will take place.
3. Though the application process is the same statewide, the Apple Valley Fire Department requires the applicant to contact the Fire Chief at (435) 877-1194 prior to the start of any burning.
4. The open burn permit application program is tied to two items:
 - a. First, it checks to see if there is an active open burn window.
 - b. Second, it checks the clearing index to see if it is forecast to be above 500.
5. If there is not an open burn window, or if the clearing index is forecast to be below 500, the program will not allow a person to complete the application. The clearing index is only forecast for a three day period, including the current day. The open burn permit application may be completed up to two days in advance (i.e., Apply on Thursday or Friday if you plan to burn on the

weekend).

- a. A permit applicant shall provide all information requested on the application.
- b. An open burn permit application is required for each separate burn.
- c. An open burn permit is valid only on the lands specified in the application and is required to be on site at the time of the burn.
- d. All materials to be burned must be clearly described and quantified in the application.
- e. Applicants must be aware of any and all local, State, and federal rules and regulations applicable to their area.
- f. Open burning may be prohibited in some areas of the state.

6. There are three ways to complete the open burn permit application:

a. ONLINE

- (1) The open burn permit application can be [Completed Online](#). Completing this form online is the easiest and fastest way to complete the open burn permit application. An electronic copy of the application is automatically submitted to the county or municipal fire authority upon completion.

b. TELEPHONE

- (1) An applicant can call the DAQ at (801) 536-4000 and complete the open burn permit application process over the phone. A DAQ inspector will ask the applicant for the required information and complete the application in just a few minutes.

c. MAIL

- (1) A hard copy of the application may be completed and submitted by mail to DAQ for electronic processing. To request a hard copy of the open burn permit application, contact DAQ by phone at (801) 536-4000.
- (2) Note: It may take up to 14 days from the date of request to receive an open burn permit if a hard copy is submitted for processing.

7. Contact Information

- a. Contact the Division of Air Quality with questions or complaints: (801) 536-4000

b. Or visit:

- (1) Burn Permit Application:
<https://air.utah.gov/OpenBurning/form/index.php>
—Access to the online open burn permit application.
- (2) Division of Air Quality: <https://deq.utah.gov/division-air-quality> — General Information.
- (3) National Weather Service Clearing Index:
<https://www.weather.gov/slc/ClearingIndex>.
- (4) Stationary Source Compliance Electronic Complaint Form:
<https://deq.utah.gov/legacy/compliance/air-quality/stationary->

[source/complaint-form.htm — File a complaint.](#)

(5) [Utah Administrative Code Emissions Standards:](#)
<https://rules.utah.gov/publicat/code/r307/r307-202.htm> —
[General burning regulations.](#)

SECTION 5: **AMENDMENT** “8.10.040 Other Exceptions” of the Apple Valley Municipal Code is hereby *amended* as follows:

AMENDMENT

8.10.040 Other Exceptions

- A. The provisions of this Chapter are not applicable to:
1. 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 and the combustible material is clean, dry wood or charcoal; and
 3. Indoor fireplaces and indoor residential solid fuel burning devices.

[B. From time to time, the State may have a ban or restrictions order in place. Please check Fire Restrictions \(<https://utahfireinfo.gov/fire-restrictions/>\) to verify.](#)

SECTION 6: **AMENDMENT** “8.10.050 Procedure For Obtaining A Burning Permit” of the Apple Valley Municipal Code is hereby *amended* as follows:

AMENDMENT

8.10.050 ~~Procedure For Obtaining A Burning Permit~~[Penalty](#)

~~A. During open fire season, the chief fire officer or official of the Town shall be responsible for signing and issuing a burning permit, on forms provided by the town. No permits shall be issued during the closed fire season or when the clearing index is below 500.~~

[A. Any violation of this section may be punishable as a class C misdemeanor.](#)

SECTION 7: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 8: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 9: EFFECTIVE DATE This Ordinance shall be in full force and effect from July 12, 2023.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Jarry Zaharias	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor, Apple Valley