

**APPLE VALLEY
ORDINANCE O-2024-85**

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

SECTION 1: **AMENDMENT** “8.10.010 General Requirements” of the Apple Valley Municipal Code is hereby *amended* as follows:

A M E N D M E N T

8.10.010 General Requirements

- A. The Apple Valley Fire Chief requires all burn permits to complete the mitigation log.
https://www.applevalleyut.gov/sites/default/files/fileattachments/fire/page/1781/mitigation_log.pdf
- ~~B. 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.~~
- ~~C.~~ 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.
- ~~D.~~ C. Permits may be issued for attainment areas between April 1st and May 31st, between September 15th and October 31st when the clearing index is above 500; and between November 1st and March 31st when the clearing index is above 250. 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.
- ~~E.~~ 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.
- ~~F.~~ E. The Apple Valley Fire Chief must be contacted prior to burning (435-877-1194).



APPLE VALLEY FIRE DEPARTMENT MITIGATION LOG

		Fire Dept Use Only	
DATE			
PROPERTY OWNER			
PROPERTY ADDRESS			
MITIGATION WORK PERFORMED			
	TYPE	HOURS	
EQUIPMENT USED			
	NUMBER	HOURS	
PERSONNEL			
Total Number of Hours Spent Burning			

Please turn into Town Office at 1777 N Meadowlark Drive; or,
Email to firedepartment@applevalleyut.gov

SECTION 2: **AMENDMENT** “8.10.020 Permit Criteria” of the Apple Valley Municipal Code is hereby *amended* as follows:

AMENDMENT

8.10.020 Permit Criteria

- 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. Permits may be issued for attainment areas between April 1st and May 31st, between September 15th and October 31st when the clearing index is above 500; and between November 1st and March 31st when the clearing index is above 250. ~~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 3: **AMENDMENT** “8.10.030 Permit Application” of the Apple Valley Municipal Code is hereby *amended* as follows:

AMENDMENT

8.10.030 Permit Application

- 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~~. Permits may be issued for attainment areas between April 1st and May 31st, between September 15th and October 31st when the clearing index is above 500; and between November 1st and March 31st when the clearing index is above 250.
5. If there is not an open burn window, or if the clearing index is forecast to be for attainment areas between April 1st and May 31st, between September 15th and October 31st when the clearing index is above 500; and between November 1st and March 31st when the clearing index is above 250, ~~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 4: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 5: **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 6: **EFFECTIVE DATE** This Ordinance shall be in full force and effective immediately after the required approval.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Annie Spendlove	_____	_____	_____	_____
Council Member Scott Taylor	_____	_____	_____	_____
Council Member Vacant	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael Farrar, Mayor, Apple Valley