

ORDINANCE 2022-_____

AN ORDINANCE ADOPTING AND ENFORCING THE SAN JUAN COUNTY FIRE POLICY FOR BUILDING IN THE UNINCORPORATED AREAS OF THE COUNTY

Section 1: Jurisdiction

- a. This ordinance is adopted consistent with the authority and responsibility of counties to abate the public nuisance of wildfire on unincorporated, privately or county owned, forest, range, watershed, and wildland urban interface pursuant to Utah Codes §§11-7; 65A-8; 53-7; and 17-53-223.

Section 2: Responsibility for Policy

- a. The San Juan County Fire Chief shall prepare, maintain, and update as necessary a fire policy which shall be the governing document, enforced by this ordinance, for approved construction or development in unincorporated areas of San Juan County.
- b. Due to seasonal and yearly changes of fire risk in the county, discretion is granted to the San Juan County Fire Chief, consistent with State Fire Code and rules promulgated under that code, to modify the fire policy to reflect current fire conditions in the county. Fire conditions necessitating modification may include, but are not limited to, drought, precipitation, unique or changed geologic conditions such as landslides or burn scars, wind patterns and intensity, policy changes on public lands, requirements of the State Fire Marshall, updates to the Utah Wildfire Risk Assessment, remoteness of certain areas, availability of volunteer fire firefighters, and any other conditions that in the opinion of the Fire Chief requires a modification of the San Juan County Fire Policy.
- c. The title of the policy to be enforced by this ordinance is “SAN JUAN COUNTY FIRE POLICY FOR APPROVED DEVELOPMENT/CONSTRUCTION” and the most updated version of the policy will be maintained on the county website. The San Juan Fire Chief will deposit a copy of the updated policy with the County Clerk’s Office, and publish a notice that the Fire Policy has been updated in a newspaper of general circulation in the county. Any modification to the Fire Policy by the San Juan County Fire Chief becomes effective fifteen (15) days following publication.

Section 3: Applicability

- a. The San Juan County Fire Policy, enforced by this ordinance, is applicable to all private and county owned land in the unincorporated areas of San Juan County as required by Utah State Code.

- b. All land under the sole jurisdiction of State, Federal, or Tribal government is not subject to this ordinance. Land owned by any such entity, but that is not under its sole jurisdiction is subject to this ordinance.

Section 4: Permitting

- a. No building permit for any structure shall be issued in the unincorporated areas of San Juan County if the building plan application does not comply with the San Juan County Fire Policy.
- b. Any building permit previously issued that fails to be in compliance with the San Juan County Fire Policy after approval is void and no certificate of occupancy will issue.

Section 5: Abatement

- a. If, on any property subject to this ordinance, the San Juan County Fire Chief determines the owner to be out of compliance with the San Juan County Fire Policy, notice of the violation will be provided to the property owner.
 - i. Notice shall be affixed to a structure, fence, or other conspicuous location on the property or at the entrance to the property.
 - ii. A copy of the notice shall be mailed to the property owner's address on record with the county certified mail.
- b. The notice will contain a description of the violation observed on the property, and contact information for the San Juan County Fire Chief to discuss abatement.
- c. Within 30 days of the notice being mailed and posted, the property owner shall bring the property into compliance with the San Juan County Fire Policy.

Section 6: Violation after Notice-penalty

- a. If 30 days after the notice was mailed to the property owner the violation persists, the San Juan Fire Chief may notify the Sheriff's Office of the violation.
- b. The Sheriff's office shall cite the property owner with a violation of this ordinance.
- c. Failure to abate a violation of this ordinance after notice is an infraction with a fine of up to \$750.00.
- d. A new citation may be issued every 30 days the violation remains unabated by the property owner. Each citation issued after the initial citation is a Class C misdemeanor.

- e. Following a conviction of a Class C misdemeanor under this ordinance, the County may request the Court authorize the County enter onto the property, abate the nuisance, and order the property owner pay restitution for the cost of the abatement.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COUNTY LEGISLATIVE BODY OF SAN JUAN COUNTY, UTAH, THAT; the Board of San Juan County Commissioners

PASSED, ADOPTED, AND APPROVED by the Board of San Juan County Commissioners this 1st day of February 2022, by the following vote:

Those voting aye:

Those voting nay:

Those absent or abstaining:

BOARD OF SAN JUAN COUNTY COMMISSIONERS

Willie Grayeyes, Chair

ATTEST:

Lyman Duncan, Clerk/Auditor