

ORDINANCE NO. 2020-07

**AN ORDINANCE ENACTING SECTION 13.03.100 OF THE
CENTERVILLE MUNICIPAL CODE REGARDING CAMPFIRES AND
BURNING**

WHEREAS, the City Council has previously adopted Title 13 of the Centerville Municipal Code enacting local criminal offenses; and

WHEREAS, the City Council desires to enact Section 13.03.100 of the Centerville Municipal Code regarding the regulation of campfires and burning to be consistent with Davis County ordinances and regulations regarding the same; and

WHEREAS, the City is authorized to regulate campfires and burning within the City as an exercise of the City's police powers as further authorized by State law; and

WHEREAS, the City Council finds that the proposed enactment of Section 13.03.100 of the Centerville Municipal Code regarding campfires and burning within the City as more particularly set forth herein is in the best interest of the public health, safety, and welfare in order to prevent unintended fires within the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:**

Section 1. Enactment. Section 13.03.100 of the Centerville Municipal Code regarding Campfires and Burning is hereby enacted to read in its entirety as set forth as follows:

13.03.100. Campfires and Burning.

(a) Definitions. For purposes of this Section, "fire" shall mean any burning materials or coals or any smoldering materials or coals, with or without visible flame, including campfires, burning materials, coals, or flames, and smoldering materials, coals, or flames used for cooking, warming, aesthetics, lighting, ceremonies, or otherwise.

(b) Unlawful Fire. The following are unlawful activities within the City:

- (1) Fire, including building, maintaining, attending, or using fire, is unlawful and prohibited within the City from April 1st through October 31st of each year. This applies to any fire which is on or within one-half mile of any road or motorized trail or when fire is within one-half mile of any residential structure, unless otherwise permitted by this Section or other governing law; and
- (2) It is unlawful for any person in the City to willfully or negligently set on fire, cause to be set on fire, or procure to be set on fire, any tree, shrub, grass, brush, undergrowth, cultivated crops, or other property on any land, public or private, not his or her own, without permission from the property owner.

(c) Permissible Fire. Fire, including building, maintaining, attending, or using fire, is lawful and permitted within the City as follows:

- (1) In fireplaces within residential structures;
- (2) By fire departments in the performance of their official duties or training;
- (3) For agriculture and horticultural operations to burn ditch banks, pruning debris, stubble, and dead or diseased trees, bushes, and plants;
- (4) For controlled heating of orchards or other crops;
- (5) By the forest service, law enforcement, or search and rescue units in the performance of official duties;
- (6) By persons using portable gas stoves, lanterns, or tent heaters, which use natural gas, jellied petroleum, or pressurized liquid fuel outdoors, within a building, within an enclosed recreational vehicle, or within a tent, unless otherwise posted as closed to such use(s);
- (7) At permanent facilities constructed for the use of fires within developed campgrounds, picnic areas, or administrative sites designated by Davis County or the Forest Service;
- (8) For recreational fires on private lands, pursuant to Subsection (e);
- (9) For recreational fires on public lands between November 1st and March 31st of each year, pursuant to Subsection (f).

(d) Fire Requirements. All fires in the City:

- (1) Shall be attended by a responsible person at all times; and
- (2) Shall be conducted in accordance with applicable clean air rules and State and local laws.

(e) Recreational Fires – Private Lands. Recreational fires on private property within the City are generally permitted; however, such recreational fires:

- (1) Shall not be conducted within 25 feet of a structure or combustible material unless in an established fire pit;
- (2) Shall be no larger than 3 feet in diameter and 2 feet high;
- (3) Shall have extinguishing capabilities readily at hand;
- (4) Shall not be used to burn rubbish, garbage, waste, or debris;
- (5) Shall be constantly attended to by a responsible person knowledgeable in the use of the fire extinguishing equipment at hand; and
- (6) May be required to be extinguished if deemed to constitute a hazardous situation.

(f) Recreational Fires – Public Lands. Recreational fires on public lands within the City are generally permitted between November 1st and March 31st of each year; however, such recreational fires:

- (1) Shall be conducted under conditions that do not allow for the fire to escape a confined area and ignite other materials;
- (2) Shall be conducted at permanent facilities constructed for the use of fires within developed campgrounds, picnic areas, or administrative sites designated by the City, Davis County or the Forest Service;
- (3) Shall be no larger than 3 feet in diameter and 2 feet high;
- (4) Shall have extinguishing capabilities readily at hand;

- (5) Shall be constantly attended to by a responsible person knowledgeable in the use of the fire extinguishing equipment at hand; and
- (6) May be required to be extinguished if deemed to constitute a hazardous situation.

(g) Open Burning. Any open burning within the City is regulated by and shall comply with any permitting, regulations, and directives of the South Davis Metro Fire Service Area, Davis County Fire Marshal and the Utah Department of Environmental Quality, Air Quality Division, including, but not limited to provisions of Chapter 9.12 of the Davis County Ordinances regarding fire and burning permits.

(h) Liability. Authorization or permission to burn or build, maintain, attend, or use fire within the City shall in no way relieve an individual from personal liability due to neglect or failure to use reasonable precautions and exercise due care regarding burning or fire. Any negligently caused fire shall be subject to cost recovery provisions of CMC 7.06 (Emergency Cost Recovery).

(i) Fire Bans. Any or all fires may be prohibited by the Fire Marshal in any specified areas of the City at any time of the year due to hazardous fire conditions.

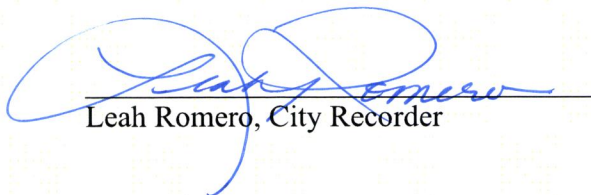
Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

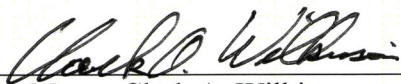
Section 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, which occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 18th DAY OF AUGUST, 2020.

CENTERVILLE CITY

ATTEST:


Leah Romero, City Recorder

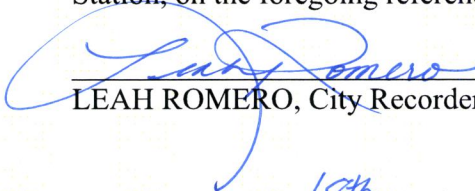
By: 
Mayor Clark A. Wilkinson

Voting by the City Council:

	"AYE"	"NAY"	"ABSENT"
Councilmember Fillmore	☒	☐	☐
Councilmember Ince	☒	☐	☐
Councilmember Ivie	☒	☐	☐
Councilmember McEwan	☒	☐	☐
Councilmember Mecham	☒	☐	☐

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the foregoing referenced dates.


LEAH ROMERO, City Recorder

DATE:

Aug 21, 2020

RECORDED this 18th day of Aug, 2020.

PUBLISHED OR POSTED this 21st of Aug, 2020.

