8.04.080 Burning prohibited.

No person shall knowingly cause or allow solid waste or special waste to be burned or incinerated within the City.
(Ord. 04-06 (part), 2004)

The Moab Municipal Code is current through Ordinance 18-21, passed November 13, 2018.

Disclaimer: The City Recorder's Office has the official version of the Moab Municipal Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

City Website: moabcity.org
City Telephone: (435) 259-5121
Code Publishing Company
8.04.010 Definitions.

The following definitions shall apply to this chapter:

"Approved commercial garbage containers" means contractor-furnished commercial bins (two-yard minimum capacity). These containers are designed for automated collection. All containers have permanently attached, tight-fitting lids, and will meet all state of Utah Department of Health regulations.

"Approved container" means containers approved by the City in its solid waste rate resolution, which are designed and suitable for automated solid waste collection.

"Approved residential garbage containers" means ninety-five-gallon containers provided by the City. These containers are designed specifically for automated collection, and are equipped with wheels for easy movement by residents and other city users. All containers have permanently attached, tight-fitting lids. Such containers may be referred to as "Standard."

"Automated collection" means solid waste collection using specialized trucks capable of lifting and emptying specially designed solid waste receptacles.

"Business" means a location or structure lawfully used or occupied, on either a temporary or permanent basis, for purposes of carrying on a trade or profession for a profit.

"Centralized collection" means a group of residences, as defined in this chapter, receiving solid waste collection at a single point utilizing a dumpster or other approved container, rather than individual cans kept by each dwelling.

"City" means the City of Moab and all territory within its municipal limits as same may change from time to time.

"Commercial" means all classes of customers receiving solid waste collection service which, however denominated, are not classified as a residence, including, without limitation, offices, restaurants, hotels, resorts, motels, campgrounds, inns, government buildings, churches, hospitals, schools, meeting facilities, retail establishments, industrial facilities, workshops, warehouses, garages, businesses or any other type of nonresidential land use.

"Contractor" means the person authorized by contract with the City to collect and dispose of solid waste generated within the City limits.

"Disposable plastic bag" means a bag made from either noncompostable plastic or compostable plastic that is less than 2.25 mil in thickness according to ASTM D6888-08 or ISO 4593-1993 or ISO 4591:1992 standards, and which is provided by a vendor to a customer at the point of sale for the purpose of transporting goods or merchandise. The term "disposable plastic bag" does not include:

1. Bags provided by pharmacists to contain prescription drugs;

2. Newspaper bags, door hanger bags, laundry-dry cleaning bags, or bags sold in packages containing multiple bags and intended for food storage, garbage, pet waste, or yard waste;
3. Reusable bags that are made of cloth or other machine washable fabric that have handles, or a durable plastic bag that is at least 2.25 mil thick with handles and specifically designed and manufactured for multiple uses. Reusable bags shall not contain lead, cadmium, or any other heavy metal in toxic amounts;

4. Disposable paper bags; or

5. Bags used by consumers inside retail stores to:
   a. Package bulk items, such as produce, nuts, grains, candy or small hardware items;
   b. Contain or wrap frozen foods, meat, or fish, regardless of whether the items are prepackaged; or
   c. Contain or wrap flowers, potted plants, or other items where moisture may be a problem.

"Owner" means a person, firm, partnership, corporation, or other entity that exercises control over a retail store.

"Residence" or "residential," as applied in this chapter, means those solid waste customers consisting of a house, apartment, town home, condominium, mobile home, or other structure which is lawfully occupied as a human dwelling, but excluding hotels, motels, inns, or other dwellings lawfully operated as overnight accommodations.

"Retail store" means a place of business that sells any goods or household items to the ultimate consumer including, but not limited to; grocery stores; convenience stores; drugstores; hardware stores; and similar outlets selling general merchandise of any kind, apparel, food (whether prepared or not), beverages, tools, recreational products, or the like. Retail stores include premises that may be operated temporarily, seasonally, or for a nonprofit purpose.

"Solid waste" means commercial or residential garbage, refuse, trash, or other discarded material, including liquids and semisolid materials such as food scraps, rags, cardboard, yard waste, glass, paper, plastics, or wood, but excluding the types of waste described in "special waste."

"Special waste" means the following materials:

1. Medical or infectious waste;
2. Animal carcasses;
3. Discarded appliances;
4. Construction debris;
5. Motor vehicles;
6. Sewage, sludge, or septage;
7. Explosives;
8. Toxic or hazardous wastes as defined by Utah or federal law;
9. Materials collected for recycling;
10. Used motor oil;

11. Mining slag, drilling mud, or other wastes from mineral extraction or industrial operations;

12. Ashes or other material which is combusting;

13. Bulky materials which cannot be collected by the contractor using automated collection pursuant to the
terms of the franchise agreement;

14. Restaurant grease; and

15. Large metal objects. (Ord. 18-17 Att. A* (part), 2018; Ord. 04-06 (part), 2004)

* Code Revisor’s Note: Ord. 18-17, which adds definitions for “disposable plastic bag,” “retail store” and
“owner” to this section, takes effect January 1, 2019.

The Moab Municipal Code is current through Ordinance 18-21, passed November 13, 2018.

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Utah Administrative Code

The Utah Administrative Code is the body of all effective administrative rules as compiled and organized by the Division of Administrative Rules (see Subsection 63G-3-102(5); see also Sections 63G-3-701 and 702).

NOTE: For a list of rules that have been made effective since September 1, 2018, please see the codification segue page.

NOTE TO RULEFILING AGENCIES: Use the RTF version for submitting rule changes.

Download the RTF file


As in effect on September 1, 2018

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R307-202-4 through R307-202-8 applies to general burning within incorporated community under the authority of county or municipal fire authority.


The following additional definitions apply only to R307-202.

*Attainment areas* means any area that meets the national primary and secondary ambient air quality standard (NAAQS) for the pollutant.

*County or municipal fire authority* means the public official so designated with the responsibility, authority, and training to protect people, property, and the environment from fire, within their respective area of jurisdiction.

*Federal Class I Area* means an area that consists of national parks exceeding 6,000 acres, wilderness areas and national memorial parks exceeding 5,000 acres, and all International parks that were in existence on August 7, 1977. See Clean Air Act section 162(a).

*Fire hazard* means a hazardous condition involving combustible, flammable, or explosive material that represents a substantial threat to life or property if not immediately abated, as declared by the county or municipal fire authority.

*Native American spiritual advisor* means a person who leads, instructs, or facilitates a Native American religious ceremony or service; or provides religious counseling; is an enrolled member of a federally recognized Native American tribe; and is recognized as a spiritual advisor by a federally recognized Native American tribe. *Native American spiritual advisor* includes a sweat lodge leader, medicine person, traditional religious practitioner, or holy man or woman.


As provided in Section 19-2-114, the provisions of R307-202 are not applicable to:

1. Except for areas zoned as residential, burning incident to horticultural or agricultural operations of:

   a. Prunings from trees, bushes, and plants; and

   b. Dead or diseased trees, bushes, and plants, including stubble.
(2) Burning of weed growth along ditch banks for clearing these ditches for irrigation purposes:

(3) Controlled heating of orchards or other crops during the frost season to lessen the chances of their being frozen so long as the emissions from this heating do not cause or contribute to an exceedance of any national ambient air quality standards and is consistent with the federally approved State Implementation Plan; 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 National Weather Service clearing index is above 500. See also Section 11-7-1(2)(a).

(5) Ceremonial burning is excluded from R307-202-4(2) when conducted by a Native American spiritual advisor.


(1) No open burning shall be done at sites used for disposal of community trash, garbage and other wastes.

(2) No person shall burn under this rule when the director issues a public announcement under R307-302. The director will distribute such announcement to the local media notifying the public that a mandatory no-burn period is in effect for the area where the burning is to occur.


(1) Except as otherwise provided in this rule, no person shall set or use an open outdoor fire for the purpose of disposal or burning of petroleum wastes; demolition or construction debris; residential rubbish; garbage or vegetation; tires; tar; trees; wood waste; other combustible or flammable solid, liquid or gaseous waste; or for metal salvage or burning of motor vehicle bodies.

(2) The county or municipal fire authority shall approve burning based on the predicted meteorological conditions and whether the emissions would impact the health and welfare of the public or cause or contribute to an exceedance of any national ambient air quality standard.

(3) Nothing in this regulation shall be construed as relieving any person conducting open burning from meeting the requirements of any applicable federal, state or local requirements concerning disposal of any combustible materials.

(4) The county or municipal fire authority that approves any open burning permit will retain a copy of each permit issued for one year.

R307-202-6. Open Burning - Without
Permit.

The following types of open burning do not require a permit when not prohibited by other local, state or federal laws and regulations, when it does not create a nuisance, as defined in Section 76-10-803, and does not impact the health and welfare of the public.

(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 residential solid fuel burning devices except as provided in R307-302-2.


(1) No person shall knowingly conduct open burning unless the open burning activities may be conducted without a permit pursuant to R307-202-6 or the person has a valid permit for burning on a specified date or period, issued by the county or municipal fire authority having jurisdiction in the area where the open burning will take place.

(2) A permit applicant shall provide information as requested by the county or municipal fire authority. No permit or authorization shall be deemed valid unless the issuing authority determines that the applicant has provided the required information.

(3) Persons seeking an open burning permit shall submit to the county or municipal fire authority an application on a form provided by the director for each separate burn.

(4) A permit shall be valid only on the lands specified on the permit.

(5) No material shall be burned unless it is clearly described and quantified as material to be burned on a valid permit.

(6) No burning shall be conducted contrary to the conditions specified on the permit.

(7) Any permit issued by a county or municipal fire authority shall be subject to the local, state, and federal rules and regulations.

(8) Open burning is authorized by the issuance of a permit, as stipulated within this rule, for specification in R307-202-7(10). These permits can only be issued when not prohibited by other local, state, or federal laws and regulations and when a nuisance as defined in Section 76-10-803 is not created and does not impact the health and welfare of the public.

(9) Individual permits, as stipulated within this rule, for the types of burning listed in R307-202-7(10) may be issued by a county or municipal fire authority when the clearing index is 500 or greater. When the clearing index is below 500, all permits issued for that day
will be null and void until further notice from the county or municipal fire authority. Additionally, anyone burning on the day when the clearing index is below 500 or is found to be violating any part of this rule shall be liable for a fine in accordance with R307-130.

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

(a) Except in nonattainment and maintenance areas, 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, tar, or other materials which can cause severe air pollution are not present in the materials to be burned, and are not used to start fires or to keep fires burning.

(c) Open burning of a fire hazard that a county or municipal fire authority determines cannot be abated by any other viable option.

(d) Open burning of highly explosive materials when a county or municipal fire authority, law enforcement agency or governmental agency having jurisdiction determines that onsite burning or detonation in place is the only reasonably available method for safely disposing of the material.

(e) Open burning for the disposal of contraband in the possession of public law enforcement personnel provided they demonstrate to the county or municipal fire authority that open burning is the only reasonably available method for safely disposing of the material.

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

(i) Within only the counties of Washington, Kane, San Juan, Iron, Garfield, Beaver, Piute, Wayne, Grand and Emery, the county or municipal fire authority may issue a permit between March 1 and May 30 when the clearing index is 500 or greater. The county or municipal fire authority may issue a permit between September 15 to November 15 for such burning to occur when the state forester has approved the burning window under Section 65A-8-211 and the clearing index is 500 or greater.

(ii) In all other areas of the state, the county or municipal fire authority may issue a permit between March 30 and May 30 for such burning to occur when the clearing index is 500 or greater. The county or municipal fire authority may issue a permit between September 15 and October 30 for such burning to occur when the state forester has approved the burning window under Section 65A-8-211 and the clearing index is 500 or greater.

(iii) Such burnings occur in accordance with state and federal requirements;

(iv) Materials to be burned are thoroughly dry; and

(v) No trash, rubbish, tires, or oil are included in the material to be burned, used to start fires, or used to keep fires burning.
Except for nonattainment and maintenance areas, the director may grant a permit for types of open burning not specified in R307-202-7(3) on written application if the director finds that the burning is consistent with the federally approved State Implementation Plan and does not cause or contribute to an exceedance of any national ambient air quality standards.

(i) This permit may be granted once the director has reviewed the written application with the requirements and criteria found within this rule at R307-202-7.

(ii) Open Burning Permit Criteria.

(A) The director or the county or municipal fire authority shall consider the following factors in determining whether, and upon what conditions, to issue an open burning permit:

(i) The location and proximity of the proposed burning to any building, other structures, the public, and federal Class I areas that might be impacted by the smoke and emissions from the burn;

(ii) Burning will only be conducted when the clearing index is 500 or above; and

(iii) Whether there is any practical alternative method for the disposal of the material to be burned.

(B) Methods to minimize emissions and smoke impacts may include, but are not limited to:

(i) The use of clean auxiliary fuel;

(ii) Drying the material prior to ignition; and

(iii) Separation for alternative disposal of materials that produce higher levels of emissions and smoke during the combustion process.

(C) Open burning permits are not valid during periods when the clearing index is below 500 or publicly announced air pollution emergencies or alerts have been declared in the area of the proposed burn.

(D) For burns of piled material, all piles shall be reasonably dry and free of dirt.

(E) 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 if the fire does not comply with the terms and conditions of the permit.

(F) All open burning operations shall be subject to inspection by the director or county or municipal fire authority. The permittee shall maintain at the burn site the original or a copy of the permit that shall be made available without unreasonable delay to the inspector.

(G) If at any time the director or the county or municipal fire authority granting the permit determines that the permittee has not complied with any term or condition of the permit, the permit is subject to partial or complete suspension, revocation or imposition of additional conditions. All burning activity subject to the permit shall be terminated immediately upon notice of suspension or revocation. In addition to suspension or revocation of the permit, the director or county or municipal fire authority may take any

(a) Open burning for special purposes or under unusual or emergency circumstances may be approved by the director if it is consistent with the federally approved State Implementation Plan and does not cause or contribute to an exceedance of any national ambient air quality standards.

(a) This permit may be granted once the director has reviewed the written application with the requirements and criteria in R307-202-7.

KEY

air pollution, open burning, fire authority

Date of Enactment or Last Substantive Amendment

October 6, 2014

Notice of Continuation

February 5, 2015

Authorizing, Implemented, or Interpreted Law

19-2-104; 11-7-1(2)(a); 65A-8-211: 76-10-803

Additional Information

Contact

For questions regarding the content or application of rules under Title R307, please contact the promulgating agency (Environmental Quality, Air Quality). A list of agencies with links to their homepages is available at http://www.utah.gov/government/agencylist.html or from