

Ogden City Council Meeting

Council Staff Review



Item Type:	Ordinance Amendment
Description:	Proposed Amendments to Ogden Municipal Code § 11-6-3 – Hazardous Environmental Conditions (Fire Restrictions)
Department:	Fire
Division:	Prevention
Action Requested:	Adopt/not adopt Ordinance
Public Input:	Not Required

Executive Summary

The Council will consider an ordinance amending Section 11-6-3, Hazardous Environmental Conditions. The proposed amendments establish a color-coding system to alert the public to the varying levels of risk of fire ignition in hazardous areas and impose restrictions based on the identified risk level.

Background

In 2013 the City Council adopted OMC § 11-6-2 and 11-6-3 to address the use of fireworks in the city. Section 11-6-2 established dates when fireworks could be discharged and established penalties for negligent discharge and landing fireworks in prohibited areas. Section 11-6-3 prohibited the use of fireworks in areas where hazardous environmental conditions exist. It further authorized the fire marshal to identify specific areas where and when those hazardous conditions are expected to persist, and to notify the public of any restrictions imposed to reduce fire risks.

Proposal

The administration is proposing amendments to Ogden Municipal Code § 11-6-3 Hazardous Environmental Conditions. The proposed amendments are as follows:

- Adds new definition for “hazardous areas” and removes definitions that are being replaced. Hazardous areas are defined as
 - Mountainous, brush covered, forest-covered, or dry grass-covered areas, including wooded areas along the Ogden and Weber River Parkway
 - Areas within 200 feet of waterways, trails and canyons or similar areas



Ogden City Council Meeting

Council Staff Review



- Wildland urban interface areas where structures meet or intermingle with undeveloped wildland including all areas east of Harrison Boulevard from the north city boundary to the south city boundary; or
- A limited area outside these defined hazardous areas to facilitate a readily identifiable closed area.
- Simplifies definition of "ignition source"
- Removes current prohibition on use of ignition source
- Adds new section establishing Fire Restriction Levels to allow the fire marshal to determine and declare the fire restriction level for hazardous areas to reflect the risk of fire ignition in those hazardous areas given the existing environmental conditions:
 - Yellow – Elevated Conditions. Prohibits aerial fireworks and any ignition source in non-landscaped areas, areas that are not continuously attended, or without a means of extinguishment. Allows small open-flame fire pits, outdoor appliances (grills, etc.), and ground level fireworks and sparklers.
 - Orange – Critical Conditions. Prohibits any open flames, all fireworks, and any ignition source in non-landscaped areas, areas that are not continuously attended, or areas without a means of extinguishment. Allows use of fire pits and outdoor appliances if used in areas that are landscaped, continuously attended, and equipped with a means of extinguishment.
 - Red – Severe Conditions. Prohibits use of all ignition sources in designated hazardous areas.
- Makes technical changes to noticing requirements to align with state statute

The fire marshal is requesting the adoption of this ordinance prior to the 2025 fire season.

Attachments

Administrative Transmittal
Proposed Ordinance

Council Staff Contact: Janene Eller-Smith, MPA/JD (801) 629-8165





Transmittal

Body: Ogden City Council
Topic: Fire Restrictions
Department: Fire
Director: Mike Mathieu
Division: Prevention
Manager: Kevin Brown
Staff/Presenter: Kevin Brown
Contact: Kevin Brown

Proposal

A change in the ordinance for the implementation of fire restrictions in order to better capture current fire dangers.

Requested Timeline/Action Required by

As soon as possible to facilitate changes to restrictions before the fire season.

Recommendation

Adopt newly worded ordinance in order to simplify fire restrictions.

Background Information

Current seasonal fire restrictions are a “one size fits all” solution that are often unnecessarily restrictive to a large portion of our community. As currently written and implemented, some residents are unable to enjoy summer activities such as backyard BBQ’s. The proposed “color system” attempts to better address the level of fire danger with what residents can, and cannot do, in different types and levels of fire danger. For example, this would allow Ogden City to restrict aerial fireworks while still allowing someone to grill burgers in their backyard. In some years, when fire danger and drought conditions are extreme, all open flames may be restricted. The goal of fire restrictions is to prevent loss and protect the community, this is often accomplished in different ways. Ogden Fire believes that the color system would be



Transmittal

simple to understand and easy to distribute to residents via social media, government websites and media.

Fiscal Impact

N/A

Attachments



Hazardous
Environmental Conc

ORDINANCE NO. _____

AN ORDINANCE OF OGDEN CITY, UTAH, AMENDING THE OGDEN MUNICIPAL CODE BY AMENDING SECTION 11-6-3 TO MODIFY PROVISIONS RELATED TO HAZARDOUS ENVIRONMENTAL CONDITIONS; TO MAKE TECHNICAL CHANGES; TO AMEND THE INDEX ; AND BY PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON POSTING AFTER FINAL PASSAGE.

The Council of Ogden City hereby ordains:

SECTION 1. Section amended. Section 11-6-3 of the Ogden Municipal Code is hereby amended to read and provide as follows:

11-6-3: [HAZARDOUS ENVIRONMENTAL CONDITIONS:]

A. **[Definitions:]** For purposes of this section:

"Hazardous areas" means:

1. Mountainous, brush covered, forest-covered, or dry grass-covered areas including open fields, vacant lots, wooded areas, and brush covered hillsides throughout the city. This includes such areas as: all wooded areas along the Ogden and Weber River Parkway beginning at the eastern boundary of the city from the mouth of Ogden Canyon and continuing along the Ogden River to the west city boundary and along the Weber River to the south city boundary, including any associated parks along the river corridor; all of Fort Buenaventura, the city baseball park and dog park area located off of A Avenue; and the old landfill property located at approximately 2550 A Avenue, near Fort Buenaventura.
1. Areas within 200 feet of waterways, trails, canyons, washes, ravines, or similar areas;
2. Wildland urban interface areas, which means the line, area, or zone where structures of other human development meet or intermingle with undeveloped wildland or land being used for an agricultural purpose. This includes all areas east of Harrison Boulevard from the north city boundary to the south city boundary; or
3. A limited area outside these defined hazardous areas to facilitate a readily identifiable closed area.

[IGNITION SOURCE: Any] "Ignition source" means any lighted or burning material or object[., including recreational fires or campfires, a lighted pipe, cigar, cigarette, firework, lighter, match, or smoking paraphernalia].

~~[MOUNTAINOUS, BRUSH COVERED, OR FOREST COVERED AREAS: Areas zones with open fields, vacant lots, wooded areas, and brush covered hillsides throughout the city. This includes such areas as: all wooded areas along the Ogden and Weber River Parkway beginning at the eastern boundary of the city from the mouth of Ogden Canyon and continuing along the Ogden River to the west city boundary and along the Weber River to the south city boundary, including any associated parks along the river corridor; all of Fort Buenaventura, the city baseball park and dog park area located off of A Avenue; and the old landfill property located at approximately 2550 A Avenue, near Fort Buenaventura.]~~

~~[WILDLAND URBAN INTERFACE AREA: The line, area, or zone where structures or other human development meet or intermingle with undeveloped wildland; and includes all areas of the city east of Harrison Boulevard from the north city boundary to the south city boundary.]~~

~~[B. Prohibition On Use Of Ignition Source: It is unlawful to ignite or use an ignition source in the following areas during those periods of time that the fire marshal has determined hazardous environmental conditions exist or are expected to persist when notice has been filed with the city recorder:~~

- ~~1. Mountainous, brush covered, or forest covered areas;~~
- ~~2. The wildland urban interface area; or~~
- ~~3. Land being used for an agricultural purpose.]~~

~~[G]B. [Fire Marshal Notice:] When the fire marshal determines that hazardous environmental conditions exist in[: any of the areas described in subsection B of this section] hazardous areas:~~

1. The fire marshal shall issue a notice, in writing, stating the location where hazardous environmental conditions exist, the applicable fire restriction level, and the length of time such conditionsrestrictions are expected to persist;
2. The notice may shall include an exhibit with a map or graphical representation of the area subject to the hazardous environmental conditions;
3. The notice, including any exhibits, shall be filed with the city recorder, who shall publish a summary of the notice one time in a newspaper of general circulation in the city, including a statement that a copy of the notice may be obtained from the recorder's office provide class A notice in accordance with Utah Code Annotated Title 63G, Chapter 30, or any successor provision; and
4. The fire marshal shall file a copy of the notice and any exhibits with:
 - a. The city council; and

b. The business license coordinator.

C. **[Fire Restriction Levels:]** The fire marshal shall determine and declare one of the following fire restriction levels for hazardous areas when issuing a notice under this section. These levels shall govern permitted and prohibited activities in affected areas:

1. **[Yellow (Elevated Conditions):]** Yellow level restrictions shall be implemented when elevated environmental conditions and drought levels increase the risk of fire. During a yellow fire restriction level:
 - a. The following are prohibited:
 - i. aerial fireworks; and
 - ii. any ignition source in an area that is not landscaped, not continuously attended, or not equipped with a means of extinguishment.
 - b. The following ignition sources are permitted in areas that are landscaped, continuously attended, and equipped with a means of extinguishment:
 - i. small open-flame fire pits at least 25 feet from structures or combustibles;
 - ii. gas, pellet, solid fuel, and charcoal-burning outdoor appliances; and
 - iii. ground level fireworks and sparklers.
2. **[Orange (Critical Conditions):]** Orange level restrictions will be implemented when environmental conditions and drought levels critically increase the risk of fire ignition from fireworks and open flames. During an orange fire restriction level:
 - a. The following are prohibited:
 - i. open flames (including wood-burning fire pits and outdoor fireplaces);
 - ii. all fireworks; and
 - iii. any ignition source in an area that is not landscaped, not continuously attended, or not equipped with a means of extinguishment.

- b. The following ignition sources are permitted in areas that are landscaped, continuously attended, and equipped with a means of extinguishment:
 - i. gas fire pits and grills with flame-control features;
 - ii. charcoal grills with lids using commercial charcoal; and
 - iii. smokers with lids and no ember exhaust powered by gas, electricity, or commercial pellets.
- 3. **[Red (Severe Conditions):]** Red level restrictions will be implemented when environmental conditions and drought levels are so severe that all ignition sources pose a high risk of starting a fire. During a red fire restriction level, the use of all ignition sources is prohibited.

D. **[Notice To Vendors:]** The business license coordinator shall provide two [(2)] copies of a notice received pursuant to this section, including any exhibits, to each person who has a license and permit to sell fireworks. Each person who has a license and permit to sell fireworks shall post at least one copy of the notice, including any exhibit, in a prominent location where fireworks are displayed for sale.

E. **[Violation; Penalty:]** A violation of a notice issued under this section is a [class] Class B misdemeanor, subject to the penalties provided under [title 1, chapter 4, article A of this code]Title 1, Chapter 4, Article A.

SECTION 2. Effective date. This ordinance shall be effective immediately upon posting after final passage.

PASSED, ADOPTED AND ORDERED POSTED by the Council of Ogden City,

Utah this _____ day of _____, 2025.

CHAIR

ATTEST:

CITY RECORDER

TRANSMITTED TO THE MAYOR ON: _____

MAYOR'S ACTION: Approved Vetoed

MAYOR

ATTEST:

CITY RECORDER

POSTING DATE: _____

EFFECTIVE DATE: _____

APPROVED AS TO FORM: KME 4/11/25
Legal Date

- * The headings, catchlines or catchwords suggested for use in the Ogden Municipal Code and which are bracketed at the beginning of sections or subsections, shall not be considered to be a part of the ordinance adopted herein.