

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

Fire Risk/Threat Assessment

1. Due to the rural nature of San Juan County, Emergency response time (for Sheriff, Fire, medical care, etc), cannot be guaranteed. Under some extreme conditions emergency response is extremely slow and costly. Extreme weather conditions and natural disasters can destroy roads. Spring runoff or hard rain can also wash out roads or make them difficult to travel, and repairs cannot occur quickly. These among other conditions, combined with the limited number of locations of San Juan County's volunteer fire departments requires landowners to comply with this policy to help prevent fire from spreading beyond their property.
2. The State of Utah provides fire risk information that stays updated. This information is available to the public at the Utah Wildfire Risk Assessment Portal. <https://wildfirerisk.utah.gov/>. Fire risk is color coded in red (various shades), Orange (various shades), yellow, and green (or gray). Some specific areas have been identified by the Fire Chief as falling under certain risk colors in the table above; all other areas should refer to the UWRAP map.
3. Based on the risk or threat of fire in areas of the County, the San Juan County Fire Chief may require new construction, remodels, modification, additions, for existing or other development to adhere to the requirements of this policy including those listed in Table 1 and Table 2 prior to any permit or permission being granted by the County.
4. The fire risk or threat zone may be increased or decreased at the discretion of the Fire Chief based on the distance from a fire department. Unique characteristics of specific lots or parcels may cause additional requirements to be imposed to mitigate fire risk at the discretion of the Fire Chief.
5. Fire Risk zones will change and adjust as the State UWRAP map changes.

Fuel Modification

6. Fuel modification shall be provided within a distance from buildings or structures as specified in Table 1. Distances specified in Table 1 shall be measured along the grade from the perimeter or projection of the building or structure.
7. Persons owning, leasing, controlling, operating, or maintaining buildings or structures requiring defensible spaces are responsible for modifying or removing nonfire-resistive vegetation on the property owned, leased or controlled by such person.
8. Ornamental vegetative fuels or cultivated ground cover such as green grass, ivy, succulents or similar plants used a ground cover, are allowed within the designated defensible space provided they do not form a means of readily transmitting fire from the native growth to any structure.

- 9. Trees are allowed within the defensible space provided the horizontal distance between crowns of adjacent trees and crowns of trees and structures, overhead electrical facilities or unmodified fuel is not less than ten feet. Deadwood and litter shall be regularly removed from trees.
- 10. Non fire-resistive vegetation or growth shall be kept clear of buildings or structures in such a manner as to provide a clear area for fire suppression operations.

Defensible Space

- 11. Notwithstanding Table 1 the net free area of the spark arrester shall not be less than four times the net free area of the outlet of the chimney.
- 12. Being in one colored zone while having property that lines up with another color zone will move that portion of your property into that color zone requirement for defensible space. (For example a structure in an orange zone and the property line immediately to the west portion of the property borders a red zone, the defensible space the structure on the west side of the property will need to follow the red zone requirements).

Table 1 Required Defensible Space	
Hazard	Fuel Modification Distance In Feet
Green-Low Hazard	Waiver
Yellow-Moderate Hazard	30
Orange- High Hazard	50
Red-Extreme Hazard	100

Water Storage

- 13. Due to the distance from any given fire station in San Juan County combined with the fire threat or risk of a given area, accessibility to water to combat a fire may require the landowner store water on the property in sufficient quantity, and in a manner, that a fire pump truck can access that storage to combat fire on the property. See table 2.
- 14. If, in the opinion of the Fire Chief, the number of proposed structures or the proposed use of those structures is such that public water system must be installed, the installation of any such system will comply with the Fire Code adopted by the State of Utah, including any requirements for required fire flow, hydrants, mains, sprinkler systems, storage, etc.

Red	Orange	Yellow	Green
Water Storage-2,000 gallons. (under 10,000 square feet per home) required.	Water Storage Recommended 2,000 gallons. (under 10,000 square feet per home) required.	Water Storage Recommended 2,000 gallons. (under 10,000 square feet per home) required.	Wavier acknowledging Wildland Fire Threat Conditions
Water Storage-3,000 gallons Homes over 10,000 square feet and commercial.	Water Storage Required- 3,000 gallons Homes over 10,000 square feet and commercial.	Recommended 3,000 gallons Homes over 10,000 square feet. Commercial Required 3,000 gallons.	
Defensible Space required see table one	Defensible Space required see table one.	Defensible Space required see table one.	
Wavier acknowledging Wildland Fire Threat Conditions	Wavier acknowledging Wildland Fire Threat Conditions	Wavier acknowledging Wildland Fire Threat Conditions	

Waiver

15. All landowners and developers have an affirmative duty to be aware of the fire risks and threats on and around their property. All landowners and developers know that San Juan has a volunteer fire department, and that the locations of where those stations and vehicles are likely at such a distance that response time will be delayed. All landowners and developers have a continuing duty to mitigate the fire risks on their property, acknowledge they may be liable for any fire that begins and then spreads from their property including the costs of controlling and containing any wildland fire or damage caused to a neighboring landowner. All acknowledge that San Juan County is not responsible or able to provide a degree of fire protection that would be expected in a municipality, and that the fire risks of the unincorporated parts of the County are controllable only by the landowners themselves.

When constructing in the County, the landowner or developer will be required to sign a waiver acknowledging their knowledge and duty regarding the above stated threats and risks of fire.

SAN JUAN COUNTY WILDLAND FIRE RISK WAIVER

I, _____, hereby acknowledge I am aware of the following information:

1. The physical location of my property is _____.
2. The above listed property, as of the time of my signing, is considered to be a _____ risk zone under the San Juan County Fire Policy, or the Utah Wildfire Risk Assessment Portal. I understand and agree it is my duty as the property owner to be aware of any change in the risk level and to take appropriate action as outlined in the San Juan County Fire Policy to address any change in the risk level at my property.
3. The above listed property is _____ miles from the nearest fire station, and according to San Juan County Fire, the estimated time for response is _____ minutes.
4. Pursuant to the requirements or recommendations of the San Juan County Fire Policy, I intend and will maintain _____ gallons of water storage on site, accessible to any fire suppression service in the event of a fire.
5. I have reviewed the fuel modification and defensible space recommendations of the San Juan County Fire Policy and as recommended by the Utah State Fire Marshall, and understand my obligations to maintain my property accordingly.
6. I understand that adhering to the San Juan Fire Policy and recommendations from the Utah State Fire Marshall in no way guarantees any structure or building on my property will be protected in the event of a fire. I further acknowledge that my failure to follow the policy, and results in a fire ignition or a fire spreading to structures or buildings, it may incur liability on me for the cost of suppressing any such fire.
7. I acknowledge that San Juan County is not responsible or able to provide a degree of fire protection that would be expected in a municipality, and that the fire risks of the unincorporated parts of the County are controllable only by me as the landowner.
8. With all of the above understood by me, I am still seeking to construct, renovate, expand, or otherwise modify a structure or building located on my above stated property. I will provide a copy of this document to the San Juan building authority before the issuance of any building permit.

Property Owner/Developer- date

San Juan County Fire Chief - date