

AN ORDINANCE OF THE CITY OF MALAD CITY RELATING TO OPEN BURNING BY DECLARING PURPOSE, PROVIDING DEFINITIONS, PROVIDING RESTRICTIONS AND EXCEPTIONS, PROVIDING REQUIREMENTS FOR BURNING, PROVIDING THAT NON-COMPLIANCE SHALL BE DEEMED A MISDEMEANOR, PROVIDING FOR SAFETY MEASURES LIMITING EMISSION OF AIR CONTAMINANTS, AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MALAD CITY, IDAHO:

Section 1. PURPOSE. The purpose and intent of this Ordinance is to eliminate all form of open burning except those for which there is no means of producing a similar public benefit, or such as may be permitted herein.

Section 2. DEFINITION. Open burning means the outdoor burning of materials where the products of combustion are not directed through a duct, passage, smokestack or chimney.

Section 3. GENERAL RESTRICTIONS. Except as herein otherwise provided, no person shall allow, suffer, cause or permit the open burning of materials which emit toxic contaminants, large volumes of smoke, particulate or orders.

Section 4. CATEGORIES OF ALLOWABLE BURNING. The purpose of the following subsections is to establish categories of open burning that are allowed when done according to prescribed conditions:

a. Recreational and Warming Fires. Open outdoor fires used for the preparation of food or for recreational purposes (e.g. campfires, ceremonial fires, and barbecues) or small fires set for handwarming purposes are allowable forms of open burning.

b. Weed Control Fires. Open outdoor fires used for the purpose of weed abatement along fence lines, canal banks, and ditch banks is an allowable form of open burning.

c. Training Fires. Open outdoor fires used by qualified personnel to train fire fighters in the methods of fire suppression and fire fighting techniques, or to display certain fire ecology or fire behavior effects are allowable forms of open burning. Training fires shall not be allowed to smolder after the training session has terminated.

d. Industrial Flares. Industrial flares, used for the

combustion of flammable gases are allowable forms of open burning.

e. Residential Solid Waste Disposal Fires.

01. Fires Allowed. Open outdoor fires used to dispose of solid waste (e.g. rubbish, tree leaves, yard trimmings, gardening waste, etc.) excluding garbage produced by the operation of a domestic household is an allowable form of open burning when the following provisions are met:

A. No scheduled house to house solid waste collection service is available; and

B. The burning is conducted on the property where the solid waste was generated.

02. Fires Exempt. Open outdoor fires used to dispose of tree leaves, gardening waste or yard trimmings are exempt from Subsection 4e.,01. when conducted from April 1 to May 15 and September 15 through October 31 of each year. A special permit will not be required for residential burning during these prescribed periods.

f. Dangerous Material Fires. Open outdoor fires used or permitted by a public or military fire chief to dispose of materials (including military ordinance) which present a danger to life, valuable property or the public welfare, or for the purpose of prevention of a fire hazard when no practical alternative method of disposal or removal is available are allowable forms of open burning.

g. Infectious Waste Burning. Upon the order of a public health officer, open outdoor fires used to dispose of diseased animals or infested material is an allowable form of open burning.

Section 5. REQUIREMENT FOR BURNING.

a. Permit Required. No person shall conduct burning within the provision of Section 4 on or in any public street, alley, road or other public ground without a permit or other proper authorization. Subsection 4e.,01. fires are exempt from the permit requirement.

b. Attendance of Open Fires. All open burning shall be constantly attended by a competent person until such fire is

extinguished. This person shall have a garden hose connected to the water supply or other fire extinguishing equipment readily available for use.

c. Chief May Prohibit. The chief of the Fire Department may prohibit any or all open burning when atmospheric condition as published by the weather bureau or the environmental services to burning or when local circumstances make such fires hazardous.

Section 6. VISIBLE EMISSIONS. No person shall allow the emission of any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour which is:

a. Darker in shade than that designated No. 2 (40% density) on the Ringelmann Chart as published by the United States Bureau of Mines; OR

b. Of such opacity as to obscure an observer's view to the same degree as an emission described in a. above.

Testing shall be done in accordance with the Procedures Manual for Sampling and Analysis of Air Pollutants, published by the State Air Pollution Control Commission.

The visible emissions regulation applicable to equipment installed after the effective date of this Ordinance shall be as above, except that the criteria for determining compliance shall be Ringelmann No. 1 or equivalent opacity.

The density or opacity of an air contaminant shall be measured at the point of its emission if observable, and if not shall be measured at an observable point on the plum nearest the point of emission.

Section 7. VIOLATION A MISDEMEANOR. Any person violating any of the provisions of this Ordinance or willfully refusing to comply with any proper requirements of the designated officer shall be deemed guilty of a misdemeanor. Each day a violation of the provisions of this violation of the provisions of this Ordinance continues shall constitute a separate offense.

Section 8. FIRE SAFETY REQUIREMENTS. Nothing in this Ordinance shall be construed as repealing or amending in any way any safety provisions of the fire prevention code heretofore

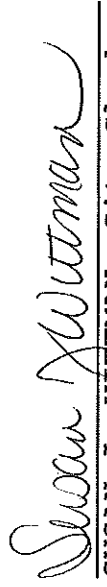
adopted by the city. All of the safety requirements therein prescribed for outdoor burning, bonfires or rubbish fires, shall be required of all persons holding permits under the provisions of this Ordinance.

Section 9. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its passage, approval and publication.

PASSED by the Council and APPROVED by the Mayor of Malad City, this 9th day of August, 1995.


TERRILL R. SCHWARTZ, Mayor

ATTEST:


SUSAN J. WITTMAN, City Clerk