

ORDINANCE NO. 1097

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING SECTION 8.28.030 OF THE PAYETTE MUNICIPAL CODE TO ALLOW BURNING THROUGHOUT THE YEAR, SUBJECT TO CERTAIN RESTRICTIONS; SETTING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; ALLOWING FOR PUBLICATION BY SUMMARY; ESTABLISHING A REPEALER.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PAYETTE, IDAHO;

Section 1. Section 8.28.030 of Title 8 of the Payette Municipal Code, is hereby amended to read as follows:

8.28.030 Open burning regulations and restrictions.

A. It shall be unlawful to burn garbage, refuse, weeds, grasses, fields, or any combustible matter within the city limits of Payette, except as herein provided.

B. Unless otherwise designated by the mayor and city council, burning shall be permitted ~~two months during the spring and two months during the fall of each and every~~ throughout the year. Burning hours shall be between the hours of eight a.m. and eight p.m. ~~These monthly periods shall be designated by the city fire chief.~~

C. ~~During the period of time when burning is allowed,~~ Any person seeking to burn shall apply with the city clerk, Director of Public Safety or designee and obtain a permit for burning. This permit ~~shall cost the applicant five dollars~~ shall expire within five days. Provided, however, that in the event an air quality advisory is issued or burning is a hazard because of dry weather conditions or other reasons, permits can be terminated and no further permits issued. At the time of seeking the permit, the applicant shall provide the clerk with the following information:

1. Applicant's name, address, telephone number, date and time of intended burning.
2. Address where the burning will take place if different from the applicant's address.
3. Ownership of the property where the burning will occur.
4. Type of substance that is being burned.

D. There shall be no burning of any substance which is designated as hazardous waste or hazardous material by the EPA.

E. The use of burning barrels is strictly prohibited as is the burning of household garbage.

F. The prohibition of this section shall not apply to wood burning stoves.

G. No burning shall be done upon any city street, right of way, easement or property.

H. Anyone who violates this section shall be guilty of a misdemeanor and punished in accordance with the general misdemeanor laws of the State of Idaho.

Section 2. Any ordinances which are in conflict with this ordinance are hereby repealed, but only insofar as the conflict exists.

Section 3. If any portion of this ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the ordinance shall constitute ordinance number 1097.

Section 4. This ordinance may be published by summary in accordance with the statutes of the state of Idaho.

Section 5. This ordinance shall be in full force and effect immediately upon passage and publication as required by law.

Passed and approved by the Mayor and City Council this 3rd day of April, 1995.

CITY OF PAYETTE

By James E. McEwen
Mayor

ATTEST: John P. Franks
City Clerk