

ORDINANCE 1408

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING THE PAYETTE MUNICIPAL CODE SECTION 8.28.020 IN CHAPTER 8.28 OF TITLE 8 BY ADDING A SUBSECTION D RELATING TO FIELD BURNING; AMENDING MUNICIPAL CODE SECTION 8.28.050 IN CHAPTER 8.28 OF TITLE 8 SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER.

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

Section 1. Section 8.28.020 of Title 8, Chapter 8.28 of the Payette Municipal Code is hereby amended to read as follows:

8.28.020: PERMIT REQUIRED:

- A. Open Burning: "Open burning" is defined as the burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Any person seeking to conduct an open burn shall apply with the city clerk, fire chief or their designee and obtain a permit for burning. This permit shall expire within five (5) days. Provided, however, that in the event an air quality advisory is issued, a burning ban is in effect, outside air or temperatures exceeding ninety degrees Fahrenheit (90°F), or winds is blowing in excess of ten (10) miles per hour, or for any other reasons or any condition exists which in the opinion of the Fire Chief or a designee would constitute a public hazard, burning permits may can be terminated and no further permits issued.
- B. Recreational Fire Permit And Use Requirements: A "recreational fire" is defined as any small fire in an approved, self-enclosing portable device or noncombustible structure located at a residence for the purposes of recreation and personal enjoyment. With the exception of fires used in approved outdoor cooking devices that are fueled by natural gas, propane, or charcoal, a city permit must be obtained prior to having a recreational fire. Each city permit shall be effective for ninety (90) days.
- C. Bonfires And Ceremonial Burns: Bonfires and ceremonial burns, hereafter called bonfires, are permitted by permit only. All permitted bonfires must be conducted in accordance with the rules established herein. ~~Any violation may result in issuance of a citation.~~ An application for a permit must be filed with the fire chief, city clerk or their designee a minimum of one week prior to the requested burn date. Permits are only valid for the day of the bonfire.
- D. Field Burns: A "field" is defined as an area of open land. Field burning is permitted by permit only. All permitted field burns must be conducted in accordance with the rules established herein. An application for field burning shall be obtained from the fire chief, city clerk or their designee at least seven (7) calendar days prior to the requested burn date. If a permit is issued, it will be issued for a specific day and will be valid only for that specified day. No less than twenty four (24) hours before and no more than forty eight (48) hours before the proposed burning date, the permit holder shall contact the fire department to inquire if conditions exist which would invalidate the burn permit.

- E.** The fire chief, city clerk, or their designee shall have the right to reject or modify any application which, while meeting these requirements, may present an unreasonable hazard to the safety, health or property of others.

8.28.050: RECREATIONAL BURNING REGULATIONS AND RESTRICTIONS:

A. Minimum Safety Procedures To Be Followed:

1. Recreational fires shall be no closer than fifteen feet (15') from any building, structure, property line, or any other combustible materials.
2. Any person who obtains a permit for recreational fire shall be responsible for any damages caused by the fire.
3. "Portable devices" (defined as devices commercially designed and intended to contain and control outdoor wood fires) shall be used in accordance with the manufacturer's recommendations and must be employed upon a noncombustible surface.
4. The width of the noncombustible surface must be twice the height of the approved portable device or noncombustible structure.
5. All recreational fires shall have a diameter of no more than three feet (3') and may not extend more than two feet (2') high. No person shall maintain a recreational fire in an approved portable device or combustible structure so that flames extend beyond the fire chamber.
6. No recreational fire shall be started or allowed to continue burning when the wind direction or wind speed will cause smoke, embers, or other burning materials to be carried by the wind toward any other combustible and/or flammable materials. Wind speeds may not be in excess of ten (10) miles per hour.
7. Smoke from any recreational fire shall not create a nuisance for neighboring property owners. Persons with permits are encouraged to speak with surrounding neighbors regarding recreational fire usage to reduce the possibility of nuisance complaints. The fire shall be extinguished immediately upon the complaint of a neighboring property owner in regard to nuisance smoke.
8. Only clean, dry, and untreated wood shall be burned, provided that the wood does not extend outside of the fireplace. Material for fires shall not include rubbish, garbage, recyclable items, trash, any material made of or coated with rubber, plastic, leather or petroleum based materials, and shall not contain any flammable or combustible liquids.
9. Either a charged water hose, or a five (5) gallon water bucket, or a five (5) pound ABC fire extinguisher shall be available in a safe location near the recreational fire within twenty five feet (25').
10. All recreational fires shall be attended by at least one person who is eighteen (18) years of age or older, from the ignition of the fire until the fire is completely extinguished.

B. Bonfires, Field Burns and Ceremonial Burns:

1. The fire chief or a designee may inspect the site of the bonfire or field burn prior to approving the application to ensure the area is safe and accessible to emergency equipment.
2. Excessive winds, temperatures or any other adverse conditions which exist as determined by the Fire Chief or a designee may result in an order requiring the cancellation or extinguishing of a bonfire or field burn in progress.

Section 2. This Ordinance may be published in summary form allowed by Idaho Code.

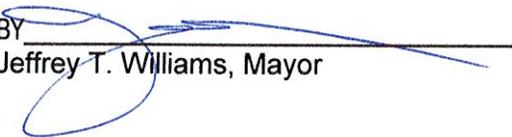
Section 3. This Ordinance shall be in full force and effect immediately upon passage and publication as required by the laws of the State of Idaho.

Section 4. Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

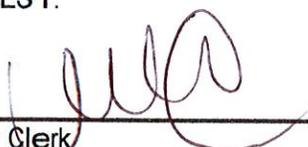
Section 5. If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall be applied to effectuate the purposes of this Ordinance.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this 21st day of June, 2016.

CITY OF PAYETTE, IDAHO

BY 
Jeffrey T. Williams, Mayor

ATTEST:



City Clerk

SUMMARY OF ORDINANCE 1408

Ordinance 1408 is an ordinance of the City Of Payette, Idaho, adopted June 20, 2016. The ordinance may be descriptively known as the Payette City Field Burning Ordinance. Ordinance 1408 amends Payette Municipal Code section 8.28.020 in chapter 8.28 of title 8 by amending section 8.28.020 A. by allowing the Fire Chief or his designee to cancel any burn permit when certain conditions exist. Ordinance 1408 also amends section 8.28.020 by adding a sub-section D which defines a field, requires a permit before field burning and sets out certain rules for field burning. The ordinance sets out additional conditions which would allow the Fire Chief or his designee to cancel a burn permit. Ordinance 1408 provides a severability clause, provides for publication by summary, sets an effective date and establishes a repealer.

I, Bert L. Osborn, City Attorney for the City of Payette Idaho, certify that I am familiar with Ordinance 1408 of the City of Payette, Idaho and with the foregoing summary. The summary is true and complete and provides adequate notice to the public. The full text is on file with the Payette City Clerk and shall promptly be made available to any citizen upon request.

Dated this 21st day of June, 2016.



Bert L. Osborn