

ORDINANCE NO. 952

An Ordinance

REPEALING SECTIONS 1 AND 2 OF CHAPTER 2, TITLE 7 OF THE CITY CODE OF THE CITY OF PAYETTE, IDAHO, WHICH SECTIONS PROVIDE REGULATIONS FOR BURNING RUBBISH; AMENDING SECTION 6 OF CHAPTER 1, TITLE 8 OF THE CITY CODE OF THE CITY OF PAYETTE, IDAHO, WHICH SECTION REGULATES THE BURNING AND DUMPING OF RUBBISH; PROVIDING FOR THE ADOPTION OF REGULATIONS FOR CONTROL OF OPEN BURNING AS ADOPTED BY THE IDAHO AIR POLLUTION CONTROL COMMISSION ON JULY 23, 1970; PROVIDING FOR PENALTIES FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

Be It Ordained By the Mayor and the City Council of the City of Payette, Idaho:

That Sections 1 and 2 of Chapter 2, Title 7 of the City Code of the City of Payette, Idaho, which Sections regulate the burning of rubbish be, and the same are hereby repealed:

That Section 6 of Chapter 1, Title 8 of the City Code of the City of Payette, Idaho, be, and the same is amended as follows:

~~8-1-6: UNLAWFUL BURNING-AND-DUMPING: No person shall burn, incinerate, bury, dump, collect, remove or in any other manner dispose of rubbish or garbage within the limits of the City except as hereinafter provided:~~

~~(A) Interior Incinerators: Any person may use an incinerator in the interior of a building between the hours of 7:00 A.M. and 7:00 P.M., provided such incinerator meets the requirements of the Uniform Building Code.~~

~~(B) Open Burning: Burning of rubbish may be done by an owner or occupant upon his own private premises, between the hours of 5:00 A.M. and 6:00 P.M.~~

(C) No person shall throw, discard or deposit any rubbish, garbage or refuse in or upon any street, alley, sidewalk or vacant ground or in or upon any canal, irrigation ditch, drainage ditch or other water course, unless upon express permit granted by the Council.

That the following sections be and the same are enacted into law:

Section 7-2-1 Adoption of Open Burning Regulations: For the purpose of regulating and governing conditions causing a polluted atmosphere which causes an unreasonable interference with human, plant or animal life, or the reasonable use of property, the Regulations For Control of Open Burning adopted by the Idaho Air Pollution Control Commission on the 23rd day of July, 1970, pursuant to authority granted by Idaho Code 39-2908 are, and the same are hereby adopted by reference. Said Regulations For Control Of Open Burning, three (3) copies of which shall be on file at all times in the office of the City Clerk, shall be made a part of the City Code of the City of Payette as if set out at length herein.

Section 7-2-2 Violations and Penalties: Any person who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$300.00, and/or be imprisoned for a period not to exceed 30 days. In addition thereto, such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs constitutes a separate violation.

Section 7-2-3 Effective Date of Ordinance: This ordinance shall be in full force and effect after its passage and publication as provided by law; all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Passed and Approved by the Mayor and Council of the City of Payette, Idaho, this 5th day of October, 1970.

Herley O. Parker
Mayor of the City of Payette, Idaho

WITNESS:

Richard A. Wilson
Clerk of the City of Payette, Idaho