

# Outdoor Burning Ordinance for the Shoshone County Idaho.

Ordinance No. \_\_\_\_\_

## SECTION 1: PURPOSE

**1.00 Purpose.** This ordinance is intended to promote the public health, safety and welfare, also to safeguard the health, comfort, living conditions of the citizens of Shoshone County due to the air pollution and fire hazards of open outdoor burning.

## SECTION 2: APPLICABILITY

**2.00 Applicability.** This ordinance applies to all outdoor burning within Shoshone County. In the event a provision in a city ordinance in this county covers a provision contained in this county ordinance, the city ordinance prevails.

**2.1.** This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.

**2.2.** This ordinance does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.

**2.3.** This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

## SECTION 3: SEVERABILITY

**3.00 Severability.** Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

## SECTION 4: DEFINITIONS

### 4.00 Definitions.

**4.1.** "Campfire" means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.

**4.2.** "Clean Wood" means natural wood un-processed, which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products and is not construction or demolition debris or other household or business wastes.

**4.3.** "Fire Chief" means the Chief of the Shoshone County Fire Protection District(s), or other person authorized by the Fire Chief.

**4.4.** "Fire Department" means the Shoshone County Fire Protection Districts.

**4.5.** "Garbage" means any waste consisting of putrescible animal and vegetable materials resulting from the handling, preparation, cooking and consumption of food including, but not limited to, waste materials from households, markets, storage facilities, handling and sale of produce and other food products.

**4.6.** "Open Burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney.

## SECTION 5: GENERAL PROHIBITION ON OPEN BURNING

**5.00 General.** A person shall not kindle, maintain or authorize to be kindled or maintained any open burning, and refuse burning unless approved by the Fire Department.

**5.1** Open burning that is offensive or objectionable because of smoke; odor or when atmospheric conditions or local circumstances make such fire hazardous shall be prohibited.

**5.2.** When weather conditions warrant, the Fire Chief or the Idaho Department of Environmental Quality (DEQ) may declare a burning moratorium on all open burning and temporarily suspend previously issued burning permits for open burning.

**5.2.1.** In order to prevent the existence of air quality that is unhealthy for sensitive groups and a potential exceedance of National Ambient Air Quality Standard (NAAQS) for particulate matter, a yellow air pollution advisory will be declared whenever:

- a. The DEQ measures or forecasts levels of particulate matter concentrations exceeding 75% of the 24 Hour PM2.5 NAAQS, or
- b. Forecasted air stagnation and conditions are expected to continue for at least twenty four (24) hours.

**5.2.2.** A Red air pollution advisory will be declared when a stage one forecast and caution is declared by Idaho DEQ for particulate concentrations reaching or forecasted to reach and persist at or above the levels listed in 58.01.01.556.01, or PM2.5 24 hour NAAQS.

**5.2.3.** A burning permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.

## **SECTION 6: MATERIALS THAT MAY NOT BE BURNED**

### **6.00 Materials that may not be burned.**

**6.1** Unless a specific written approval has been obtained from the Shoshone County Fire Protection District for training of fire personnel, or dangerous material disposal, or infectious waste disposal upon order of a public health officer, as allowed by rule, the following materials may not be burned in an open fire, incinerator, burn barrel, or any other outdoor incineration or heating device.

**6.2.** Garbage including but not limited to food wastes, food wraps, packaging, animal carcasses.

**6.3** Paint or painted materials, furniture, composite shingles, carpeting, insulation, construction or demolition debris or other household or business wastes.

**6.4.** Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in IDAPA 58.01.05.015, "Rules and Standards for Hazardous Waste".

**6.5.** Asphalt and products containing asphalt.

**6.6.** Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

**6.7.** Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

**6.8.** Rubber including tires and synthetic rubber-like products.

**6.9.** Pathogenic wastes.

**6.10.** Hazardous wastes.

## **SECTION 7: BURNING PERMITS**

### **7.00 Burning Permits.**

**7.1.** No person shall start or maintain any open burning without a burning permit issued by the Shoshone County Fire Protection District(s).

**7.2.** An outdoor campfire or backyard recreational fire does not require a permit provided that the fire complies with all other applicable provisions of this ordinance or fire department regulations.

**7.3** Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance. Any violation of this ordinance or the burning permit shall void the permit.

## **SECTION 8: LIABILITY**

**8.00 Liability.** A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

## **SECTION 9: ENFORCEMENT AND PENALTIES**

### **9.00 Enforcement and penalties.**

**9.1.** The Fire Chief or their designee is authorized to enforce the provisions of this ordinance.

**9.2.** For first offense violators of this ordinance the fire chief or his designee will provide instructions to the offending party on proper burning techniques and requirements of this ordinance.

**9.3.** For second offense violators of this ordinance the fire chief or his designee will provide a written warning to the offending party.

**9.4.** For third offense violators the penalty for violation of any portion of this ordinance shall be a forfeiture of twenty-five dollars (\$25) and cost recovery for fire personnel and equipment mobilization.

**9.5.** For any subsequent offenses the penalty will be no more than two hundred fifty dollars (\$250) plus cost recovery for fire personnel and equipment mobilization, and the cost of prosecution if incurred.