

ARTICLE 17 OPEN BURNING OR DUMPING OF RUBBISH AND OTHER MATERIALS

08-17-01: BURNING, DUMPING REGULATED:

No person shall burn, incinerate, bury, dump, collect, remove or in any manner dispose of rubbish or garbage except as hereinafter provided:

(1) Incinerators:

A. Any person may use an incinerator (as defined by the Department of Environmental Quality in IDAPA 16.01.01) in the interior of a building or on the exterior of a building provided such incinerator meets the requirements of the building and fire codes ³⁵, planning and zoning requirements and meets the approval of Idaho Department of Environmental Quality on emissions. The hours of operation of such incinerator shall be between seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M.

B. Nothing herein contained shall be construed to prohibit the use of outdoor fireplaces, barbecue pits or grills in preparing food or for recreational purposes, except as listed hereafter.

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 watercourse. (Ord. 2335, 9-5-2000)

08-17-03: OPEN BURNING:

No person shall build, ignite, or maintain any outdoor fire of any kind or character, or for any purpose whatsoever, except as provided herein. The following types of fires are allowable and shall not require a permit:

- (1) Fires used by organized firefighting personnel for the purpose of combating fire or training.
- (2) Barbecues or other fires used in the preparation of food.
- (3) Campfires, or fires used for recreational or ceremonial purposes. Fire extinguishing equipment, such as a water hose connected to a water supply, shall be readily available.
- (4) Fires listed in subsections (2) and (3) of this section that exceed three feet (3') in diameter and two feet (2') high will require a permit from the Caldwell fire department and may require an inspection prior to issuance of said permit. Such fires must be constantly attended by a competent adult until such fire is

completely extinguished. Such fires must not create a hazard or nuisance.
(Ord. 2335, 9-5-2000)

08-17-05: SPECIFICALLY PROHIBITED TYPES OF OPEN BURNING:

No person shall allow, suffer, cause, or permit burning of any of the following types of materials at any time:

- (1) Household solid waste or garbage;
- (2) Leaves, grass clippings;
- (3) Junked motor vehicles or any material resulting from salvage operations;
- (4) Tires or other rubber materials or products;
- (5) Plastics;
- (6) Asphalt, tarpaper, waste, or heavy petroleum products;
- (7) Existing structures;
- (8) Lumber or timbers treated with preservatives;
- (9) Other construction materials such as sheetrock, flooring, insulation;
- (10) Dead animals or parts thereof, except upon the order of a public health officer to dispose of diseased animals;
- (11) Paint, solvent, or other chemicals including motor oils, diesel, gasoline, etc.;
- (12) Trade waste;
- (13) Insulated wire;
- (14) Pathogenic wastes or infectious wastes, except under order of a public health officer to dispose of diseased animals;
- (15) Hazardous waste, except when burned under order of a public or military fire chief to dispose of materials (including military ordnance) which present a danger to life, valuable property, or the public welfare, or for the purpose of the prevention of a fire hazard when no practical alternative method of disposal or removal is available;
- (16) Any type of materials that emit large volumes of smoke, particulates, or odors, including wet materials;
- (17) Any other material that would otherwise be allowed under this article, but is determined to be a nuisance, hazard, or source of air pollution;

(18) Notwithstanding the provisions of any section of this article, any material which violates an air pollution alert; and

(19) Notwithstanding the provisions of any section of this article, any material that is restricted as specified in IDAPA Rules for the Control of Air Pollution 16.01.01. (Ord. 23

08-17-07: TYPES OF FIRES BY PERMIT ONLY:

The following types of fires shall only be allowed if a permit is obtained from the Caldwell fire department:

- (1) Fires used for the purpose of weed abatement along noncombustible fence lines, canal banks, and ditch banks, or for control or alleviation of fire hazards when no reasonable alternative control method exists ³⁶ .
- (2) Special burning permits, for circumstances not otherwise addressed in this article, may be issued by the Caldwell fire department if the fire chief determines that such open burning does not constitute a nuisance, hazard, or source of air pollution and is not restricted as specified in the Rules for the Control of Air Pollution in Idaho (IDAPA) 16.01.01. (Ord. 2335, 9-5-2000)

08-17-09: CONDITIONS OF PERMIT:

The following conditions shall apply to all permits issued by the Caldwell fire department:

- (1) All open burning is prohibited and permits are invalid, on days when the air quality index, as reported by the Department of Environmental Quality, reaches sixty (60) or higher for any air pollutant within the Treasure Valley. Permittees are responsible for determining the air quality index prior to igniting any fires by contacting the Department of Environmental Quality. Open burning is also prohibited in the event of adverse weather conditions or the prediction of adverse weather conditions as determined by the fire chief. Adverse weather conditions includes winds in excess of ten (10) miles per hour and/or the approach of thunderstorms in the area or when open burning is declared to be banned by the fire chief due to extremes in weather and environmental conditions. If the permit holder is unsure if it is safe, they shall call the Caldwell fire department and the fire department will inform them if such conditions exist or not.
- (2) Only one fire in a single location may be burned at any one time on a single permit.
- (3) No open burning is permitted within twenty-five feet (25') of any structure or combustible material.

- (4) When in accordance with all other provisions of this article, open burning shall only be allowed during the hours of eight o'clock (8:00) A.M. and seven o'clock (7:00) P.M.
- (5) The size of any piles for burning shall be limited to three feet (3') in diameter and two feet (2') in height.
- (6) All open fires shall be constantly attended by a competent adult until such fire is completely extinguished. Fire extinguishing equipment shall be readily available for use. A hose with water is the preferred fire extinguishing equipment, if not available, appropriate fire extinguishers, shovels, rakes, hoes or other appropriate tools may be used.
- (7) Permits shall be obtained through the Caldwell fire department. All permits shall contain the name, address, and telephone number of the applicant, the location of the proposed burning and the materials that are to be burned. Permits shall be valid for one week (7 days) including the day of issuance, provided all other conditions of this article are complied with.
- (8) Any person denied a burning permit by the Caldwell fire department may appeal the decision in writing to the city council. Such appeal shall be submitted to the city clerk within ten (10) days of the date of denial. The appeal shall be placed on the first available meeting agenda of the council, who shall rule on the appeal. (Ord. 2335, 9-5-2000)

08-17-11: PENALTY FOR VIOLATION:

Failure to comply with any provision of this article shall be in violation of this article, and will permit the city of Caldwell to initiate one or more of the following actions:

- (1) Any person violating any provision of this article shall be guilty of an infraction. An infraction shall be punishable by a civil penalty of not more than one hundred dollars (\$100.00);
- (2) Suspension of issuance of all future and/or granted permits for open burning by the city of Caldwell; and/or
- (3) Legal proceedings to obtain an injunction against the permittee or the owner of the property upon which open burning was conducted.

Nothing in this article shall preclude the Department of Environmental Quality (DEQ) from enforcing the provisions of the Rules for the Control of Air Pollution in Idaho (IDAPA) 16.01.01, the Environmental Protection and Health Act, or the Hazardous Waste Management Act. (Ord. 2335, 9-5-2000)