

ORDINANCE NO. 06-1221

OPEN BURNING

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BY THE CITY COUNCIL: BIRD, BORTON, ROUNTREE, WARDLE

AN ORDINANCE AMENDING TITLE 5, CHAPTER 2, OF THE MERIDIAN CITY CODE REGARDING: A SHORT TITLE, A STATEMENT OF PURPOSE, DEFINITIONS, A PROHIBITION AGAINST OPEN BURNING, EXCEPTIONS TO SUCH PROHIBITION, BURNING PERMITS, PROVIDING FOR A PENALTY FOR VIOLATIONS, AND PROVIDING A SAVINGS CLAUSE; AMENDING TITLE 5, CHAPTER 3, OF THE MERIDIAN CITY CODE REGARDING: A SHORT TITLE, A STATEMENT OF PURPOSE, DEFINITIONS, AIR QUALITY DESIGNATIONS, HEIGHTENED AIR QUALITY INDEX PROHIBITIONS, BURNING SOLID FUEL OR REFUSE, APPLICABILITY OF CHAPTER, PROVIDING FOR A PENALTY FOR VIOLATIONS, AND PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A WAIVER OF THE READING RULES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Title 5, Chapter 2 of the Meridian City Code, regarding open burning, became outdated upon the promulgation of the Rules for Control of Air Pollution in Idaho by the Idaho Department of Environmental Quality and the adoption of the International Fire Code, 2003 edition, in Title 10, Chapter 4 of the Meridian City Code;

WHEREAS, Title 5, Chapter 3 of the Meridian City Code, regarding clean air, became outdated upon the promulgation of the Rules for Control of Air Pollution in Idaho by the Idaho Department of Environmental Quality, the adoption of the International Fire Code, 2003 edition, in Title 10, Chapter 4 of the Meridian City Code, and the passage of the Solid Fuel Heating Appliance Ordinance set forth in Title 10, Chapter 1, Section 6 of the Meridian City Code;

WHEREAS, the City Council of the City of Meridian deems it to be in the best interest of the health, safety and welfare of its citizens to regulate open burning in a manner consistent with other applicable City ordinances and the International Fire Code and the Rules for Control of Air Pollution in Idaho;

WHEREAS, the City Council of the City of Meridian deems it to be in the best interest of the health, safety and welfare of its citizens to regulate clean air in a manner consistent with other applicable City ordinances and the International Fire Code and the Rules for Control of Air Pollution in Idaho;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MERIDIAN, IDAHO:

Section That [Title 5, Chapter 2](#), of the Meridian City Code is amended to
1. read as follows:

5-2-1: SHORT TITLE:

This Chapter shall be known as the *CITY OF MERIDIAN OPEN BURNING ORDINANCE*.

5-2-2: PURPOSE:

~~The purpose and intent of this Chapter is to eliminate all forms of open burning except those for which alternative means of producing a similar public benefit do not exist. Open burning is sought to be eliminated so that air quality and fire safety goals can be achieved.~~ provide additional amendments to the International Fire Code as adopted in Title 10, Chapter 4, Meridian City Code, as such amendments pertain specifically to open burning within the City of Meridian.

5-2-3: DEFINITIONS:

For purposes of this Chapter, in addition to the definitions set forth in the International Fire Code as adopted in Title 10, Chapter 4, Meridian City Code the following terms, phrases, words, and derivations all have the meanings given herein. The word "shall" is always mandatory and not merely directory.

~~AGRICULTURAL BURNING: The open burning of plant life grown on the premises in the course of any agricultural, forestry or land clearing operation, when it can be shown that such burning is necessary and that no fire hazard will occur. Convenience of disposal is not of itself a valid necessity for burning. Rules promulgated by the State of Idaho Department of Health and Welfare, at IDAPA Rules sections 16.01.01.600 through 16.01.01.616 pursuant to the authority granted by Idaho Code chapter 1, title 39, and chapter 52, title 67. Agricultural burning will not be allowed in residential subdivisions where the subdivision lots are smaller than one and five tenths (1.5) acres.~~

~~APPROVED INCINERATORS: Any source consisting of a furnace and all appurtenances thereto designated for destruction of refuse by burning. "Open~~

~~incinerators" shall mean those burning containers which have been approved and certified by the Idaho Department of Health and Welfare. "Burn barrels" and similar devices are forms of open burning and are not considered to be approved incinerators.~~

~~BOARD: The City Council of the City of Meridian.~~

AIR QUALITY INDEX (AQI): A system used by the Idaho department of environmental quality to report daily air pollution levels to the public. Monitored air pollution levels are converted to a uniform scale ranging from 0 to 500 with the pollutant that has the highest ambient concentration measured in a given area determining the AQI.

~~CHIEF: The duly appointed Fire Chief for the City of Meridian. "Chief" for the purposes of this Chapter may also mean any representative designated by the Chief to fulfill any function under this Chapter.~~

BURN BARREL: A drum, cylinder, or other such container in which residential outdoor burning may be conducted. The use of a burn barrel is a form of open burning.

BURNING PERMIT: The City of Meridian burning permit issued by the fire chief or his designee pursuant to this Chapter.

EXTINGUISHED: The absence of any visible flames, smoke or emissions.

FIRE CHIEF: The duly appointed fire chief for the City of Meridian or his designee.

~~FIRE DISTRICT: Any duly constituted and operating fire district within the boundaries of the City of Meridian.~~

IGNITE or IGNITION: To cause a fuel to burn.

~~ODOR: The sensation resulting from stimulation of the human sense of smell. The property or quality of a substance that stimulates or is perceived by the sense of smell, the standards for which shall be judged by the fire chief or his designee on criteria that may include intensity, duration, frequency, offensiveness, and health risks.~~

~~OPEN BURNING: The burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through a stack, duct or chimney.~~

~~PERMIT: The City of Meridian burning permit issued pursuant to this Chapter.~~

PERMIT HOLDER: Any person issued a city of Meridian burning permit.

PERSON: Any person, corporation, firm, partnership or any Federal, State or local governmental entity.

RED FLAG WEATHER WARNING: A notification issued by the National Weather Service that atmospheric conditions exist or may exist which may result in hazardous burning conditions.

RESIDENTIAL OUTDOOR BURNING: The open burning of rubbish, household waste, tree leaves, yard trimmings, or gardening waste at a private residential property.

SMOKE: Small gas borne particles resulting from incomplete combustion, consisting predominately, but not exclusively, of carbon and other combustible material.

TRADE WASTE: Any solid, liquid or gaseous material resulting from the construction or demolition of any structure, or the operation of any business, trade or industry. Trade waste may include, but is not limited to the following materials and their containers and/or packaging: wood, sawdust, drywall, cardboard, vinyl, metal, glass, brick, asphalt, tar, paint, stain, sealant, caulking, bark, chips, shavings, and cull wood.

5-2-4: PROHIBITION AGAINST OPEN BURNING:

~~Except as allowed under section 5-2-5 of this chapter:-~~

~~A. No person shall build, ignite, or maintain any outdoor fire of any kind or character, or for any purposes whatsoever.-~~

~~B. No burning permit holder shall build, ignite, or maintain any outdoor fire of any kind or character, or for any purposes whatsoever, during an air quality alert issued per the Meridian clean air ordinance, subject to section 5-3-5 of this title.~~

A. Except as allowed under section 5-2-5 of this chapter, any and all open burning shall be prohibited.

B. The following types of open burning shall be specifically prohibited:

1. Use of burn barrels.

2. Agricultural burning.

3. Residential outdoor burning.

C. Open burning of the following materials shall be specifically prohibited:

1. Chemically-treated wood, including, but not limited to, railroad ties and/or telephone poles;

2. Combustible materials;

3. Commercial or industrial waste;

4. Dead animals;
5. Garbage;
6. Hazardous materials;
7. Heavy petroleum products;
8. Insulated wire;
9. Mill waste;
10. Oil, grease, and/or asphalt;
11. Paints;
12. Pathogenic waste;
13. Plastics;
14. Rubber;
15. Tar and/or tar paper;
16. Tires;
17. Trade waste, specifically including, but not limited to, the burning thereof at construction sites;
18. Vehicles.

5-2-5: EXCEPTIONS TO OPEN BURNING PROHIBITION:

Notwithstanding the provisions of section 5-2-4 of this chapter and the International Fire Code as adopted in Title 10, Chapter 4, Meridian City Code , the following types of fires shall be allowed:

A. Fires Allowed With Permit: The following types of fires may be allowed by permit only:

- ~~1. Agricultural burning.~~
- ~~2. Irrigation ditches and fence rows.~~
- ~~3. Fires used for control or alleviation of fire hazard or for weed control when no alternative control method exists.~~
- ~~4. Fires used in the training of organized firefighting personnel.~~
- ~~5. Special fires allowed at the discretion of the fire chief wherein the fire is to be located. Special fires are fires not falling into subsections A1 through A4 of this section.~~

1. Open burning of irrigation ditches and fence rows for the purpose of weed control, except that such fires shall be permitted only between 8:00 a.m. and sunset. Unless otherwise authorized by permit, the following conditions shall apply to open burning of irrigation ditches and fence rows at all times from ignition of the fire until it is extinguished:

a. At least one portable fire extinguisher with a 4-A minimum rating or other appropriate extinguishing agent and a method and/or equipment for applying such extinguishing agent must be available for immediate utilization.

b. The permit holder must attend the fire at all times.

c. The permit holder must be in possession of the permit at all times.

2. Bonfires, so long as the fire chief or his designee has conducted a thorough inspection thereof prior to ignition. The fire chief or his designee may supervise the building, ignition, and maintenance of any bonfire. Unless otherwise authorized by permit, the following conditions shall apply to open burning of bonfires at all times from ignition of the fire until it is extinguished:

a. At least one portable fire extinguisher with a 4-A minimum rating or other appropriate extinguishing agent and a method and/or equipment for applying such extinguishing agent must be available for immediate utilization.

b. The permit holder must attend the fire at all times.

c. The permit holder must be in possession of the permit at all times.

~~B. Fires Allowed Without Permit: Fires used for the preparation of food and campfires, under control of a responsible person, shall not require a permit hereunder.~~

B. Fires used in the training of firefighting personnel by direction of the fire chief or his designee shall not require a permit.

C. Conditions Applicable to All Fires: The following conditions apply to all open burning fires, including those for which a permit has been issued:

1. Open burning shall be allowed only where the fire is built, ignited, and maintained in accordance with time, place, and manner restrictions established by law, including, but not limited to: Meridian City Code Title 10, Chapter 4; the Meridian Clean Air Ordinance; all applicable provisions of the Idaho Code; and rules and regulations promulgated pursuant thereto.

2. All open burning, even if a valid permit has been issued or no permit is required, is prohibited when the air quality index reaches 60 or higher for any pollutant. It is the responsibility of the holders of valid permits or anyone wishing to ignite a fire for which no permit is required to determine the level of the air quality index prior to igniting any fire. The holder of a valid permit or any person

igniting a fire for which no permit is required shall determine the level of the air quality index prior to igniting any fire.

3. Open burning shall be prohibited when a red flag weather warning is in effect or forecasted for within twelve (12) hours following ignition or when atmospheric conditions or other circumstances present a danger to land, property, and/or human health and safety. The holder of a valid permit or any person igniting a fire for which no permit is required shall determine the red flag weather warning status and forecast prior to igniting any fire.

4. All fires shall be constantly attended until the fire is completely extinguished.

5-2-6: PERMITS:

A. Contents: All permits must contain the following:-

1. Name, address, business and home phone of permittee.-

2. Location of proposed burning.-

3. Fire district where proposed burning is to occur.-

4. Conditions under which burning is to be allowed. The fire chief shall develop such conditions as reasonably necessary to provide for safe burning. Provided, however, that no burning shall be allowed during an air pollution alert as defined in section 5-3-5 of this title.-

5. Signature of issuing officer.-

6. Signature of permittee.-

B. Agricultural Burning Permits: Agricultural burning permits may be issued for the following periods of time: February 15 to May 31 or July 15 to October 15. A permit issued for one time period is not valid for the other time period; however, a permit may be issued covering both periods. Permits for either or both burning periods can be issued by the local fire chief or his designated representative.-

C. Ditch And Fence Row Burn Permits: Ditch and fence row burn permits may be issued allowing burning between February 15 and October 15.-

A. Application for a permit required by this Chapter shall be made to the fire chief in such form and detail as prescribed by the fire chief. Applications for permits shall be accompanied by such plans as prescribed by the fire code official.

B. Any person denied a burning permit may appeal such denial in writing to the Meridian City Council. Such appeal must be made within thirty (30) days of issuance. The City Council shall rule on said appeal within fifteen (15) days of receipt.

5-2-7: PERMIT PROCEDURES WITHIN FIRE DISTRICTS:-

~~Permits for fires allowed to be burned only by permit are to be obtained from the fire district wherein the fire is to be located. Procedures for issuance of this permit shall be established by the city council.~~

~~5-2-8: APPEAL PERMIT DENIAL:~~

~~Any person denied a burning permit by the fire chief may appeal that decision in writing to the city council. Such appeal must be made within thirty (30) days. The city council shall rule on said appeal within fifteen (15) days of receipt.~~

~~5-2-9: PROHIBITION AGAINST CONTAMINANTS:~~

~~Notwithstanding the provisions of any section of this chapter, no person shall allow, suffer, cause or permit the burning of materials which emit toxic contaminants or large volumes of smoke, particulates or odors (such materials are garbage, rubber, plastics, heavy petroleum products, dead animals, etc.).~~

~~5-2-10: AMENDMENTS:~~

~~The city council may, upon its own motion or upon recommendations of the fire chief, make amendments to this chapter.~~

5-2-7: APPLICABILITY OF CHAPTER:

Nothing in this chapter is intended to conflict with, supersede, repeal, or affect any applicable state or federal laws, rules, and/or regulations.

5-2-44.8 : ENFORCEMENT AND PENALTY:

A. Enforcement: The fire chief, and/ or his duly authorized representative designee , and/or any law enforcement officer ~~in Ada County~~ shall have the authority to enforce the provisions of this chapter.

B. Penalty: Each violation of any regulation hereunder or the provisions of any permit issued pursuant hereto shall be a misdemeanor, and for each day said violation shall continue, shall constitute a separate offense hereunder. Such violation shall be punishable as provided in section 1-4-1 of this code.

5-2-9: SEVERABILITY:

If any provision or section of this Ordinance shall be held to be invalid by a court of competent jurisdiction, then such provision or section shall be considered separately and apart from the remaining provisions or section of this Ordinance, which shall remain in full force and effect.

Section 2. That [Title 5, Chapter 3](#), of the Meridian City Code is amended to read as follows:

~~5-3-2: AUTHORITY AND PURPOSE:~~

The purpose of this chapter is to protect air quality resources vital to the public health, safety, and welfare of Meridian residents and the economic future, by controlling emissions from solid fuel and refuse burning. This chapter is promulgated under the authority of the Idaho constitution article 12, section 2, and Idaho Code sections 50-301 and 50-302.

~~5-3-3: APPLICABILITY:~~

~~This chapter shall apply to all areas of the city and those areas annexed to the city hereafter.~~

5-3-4 3 : DEFINITIONS:

In addition to the definitions set forth in other applicable state and federal laws and city ordinances, including, but not limited to, Meridian City Code Title 10 and the codes incorporated by reference therein, F f or the purpose of this chapter, the following terms, phrases, words, and derivations all have the meanings given herein. The word "shall" is always mandatory and not merely directory.

~~AIR POLLUTION: The presence in the outdoor atmosphere of any contaminant, or combinations thereof, in such quantity or of such nature and duration and under such conditions as would be injurious to human health or welfare, to plant or animal life, or to property, or to interfere unreasonably with the enjoyment of life or property.~~

AIR QUALITY INDEX (AQI): A system used by the Idaho department of environmental quality (DEQ) to report daily air pollution levels to the public. Monitored air pollution levels are converted to a uniform scale ranging from 0 to 500 with the pollutant that has the highest ambient concentration measured in a given area determining the AQI.

~~BUILDING: Any structure, dwelling, office, industrial plant, garage or barn, whether publicly or privately owned or any other "structure" as defined by the building code as adopted in title 10, chapter 1 of this code.~~

~~BURN DOWN: That period of time following an air pollution alert required for the cessation of combustion and/or burning, within a solid fuel heating appliances or any outdoor fires or burning or incineration included within this chapter.~~

~~CLEAN BURNING APPLIANCE: A solid fuel heating appliance that has been certified as clean burning by either the Idaho department of environmental quality or the United States environmental protection agency and has been placed on the list of approved clean burning appliances maintained by the city clerk.~~

ECONOMIC HARDSHIP: Fifty percent (50%) or less of Ada County's median income as established by the U.S. department of housing and urban development.

~~FIREPLACE: A residential solid fuel burning device with an air to fuel ratio of greater than thirty (30) which is a permanent structural feature of a building. A fireplace is made up of a concealed masonry or metal flue and a masonry or metal firebox enclosed in decorative masonry or other building materials. A residential solid fuel burning device which is freestanding or which is installed into an existing "fireplace" opening is not included in the definition of "fireplace".~~

~~HEAT OUTPUT: The British thermal unit (Btu)/hour output of a solid fuel heating appliance measured under the testing criteria as adopted by the Ada County development services department.~~

~~OPEN BURNING: The combustion of any material not contained in a heating appliance or incinerator.~~

INCINERATOR: Any device designed or operated to reduce the volume of refuse or solid waste by burning. Pathological incinerators are excluded from this definition.

OPERATOR: Any person owning solid fuel burning equipment, or who is responsible for placing fuel into or igniting fuel within a solid fuel heating appliance, burning device, fireplace, or incinerator.

~~PARTICULATE MATTER: Any gas borne particles resulting from various air pollution sources.~~

PERMIT HOLDER: Any person issued a city of Meridian burning permit.

PERSON: Any individual, firm, partnership, association, corporation, company, organization or governmental entity.

REFUSE: All solid waste, garbage, and rubbish, including, but not limited to, cardboard, plastic, rubber, styrofoam, petroleum products, foodstuff, Christmas trees, yard debris, or chemically treated wood.

~~REFUSE INCINERATOR: Any device designed or operated to reduce the volume of refuse. Natural gas fired pathological incinerators are excluded.~~

SOLE SOURCE: One or more solid fuel heating devices which constitute the only source of heat in a building for the purpose of space heating. No solid fuel heating device(s) shall be the sole source of heat if the building is equipped with a permanently installed furnace or heating system designed to heat the building that is connected or unconnected from its energy source, utilizing oil, natural gas, electricity or propane.

~~SOLID FUEL: Any form of untreated wood or coal.~~

SOLID FUEL HEATING APPLIANCE: An enclosed device designed for solid fuel combustion, including, but not limited to, a wood stove. ~~that meets all of the following criteria:~~

- ~~A. An air to fuel averaging less than thirty five to one (35:1);~~
- ~~B. Firebox volume less than twenty (20) cubic feet;~~
- ~~C. Minimum burn rate less than five (5) kilograms per hour; and~~
- ~~D. Maximum weight of less than eight hundred (800) kilograms.~~

~~Explicitly excluded are furnaces, boilers, cook stoves, and open fireplaces.~~

5-3-5.4 : AIR QUALITY DETERMINATION DESIGNATIONS AND ALERT CRITERIA :

A. ~~Determination:~~ Air quality within the city of Meridian shall be determined by referencing daily areawide pollutant levels, known as the area's air quality index, as reported by the Idaho department of environmental quality.

~~B. Air Pollution Alert: In order to prevent the existence of, or reduce the duration of, air quality that is unhealthful, an air pollution "alert" will be in effect whenever the Idaho department of environmental quality's air quality index reaches seventy four (74) or higher for any pollutant within Canyon County, Ada County, or Elmore County, Idaho, and stagnation conditions are forecasted to continue for at least twenty four (24) hours.~~

~~C. Permit Holder And Operator Responsibilities: It is the responsibility of burning permit holders and operators of solid fuel heating appliances, fireplaces, or refuse incinerators, to monitor and be aware of the air quality index and air stagnation forecasts and to refrain from burning during an air pollution alert. Permit holders and operators may obtain the area's daily air quality index and air stagnation forecast by contacting the Idaho department of environmental quality.~~

5-3-5: HEIGHTENED AIR QUALITY INDEX PROHIBITIONS:

A. Whenever the Idaho department of environmental quality reports an air quality index of seventy-four (74) or greater and forecasts air stagnation conditions to continue for at least twenty-four (24) hours, the following additional restrictions and/or prohibitions shall apply:

1. Appliances And Fireplaces: All wood burning, including, but not limited to, burning within a solid fuel heating appliance or fireplace, shall be prohibited, except that a person who commenced wood burning prior to the issuance of a report of an air quality index of seventy-four (74) and a forecast of air stagnation conditions to continue for at least twenty-four (24) hours shall have a burn down period of three (3) hours, after or within which period combustion and/or burning must cease. No person undertaking a burn down under this exception shall cause or allow wood burning, unless an exemption has been granted by the fire chief or his designee.

2. Incinerators: No person shall cause or allow the operation of a solid waste incinerator. This chapter shall not apply to pathological incinerators.

B. All open burning, even if a valid permit has been issued or no permit is required, is prohibited when the air quality index reaches sixty (60) or higher for any pollutant.

C. Holders of valid burning permits and persons igniting a fire for which no permit is required, including, but not limited to, operators of solid fuel heating appliances, shall determine the air quality index and air stagnation forecasts prior to igniting such fires, and shall monitor the air quality index and air stagnation forecasts throughout burning and/or use of such appliances. The air quality index and air stagnation forecast may be determined by contacting the Idaho department of environmental quality.

~~5-3-6: PUBLIC NOTIFICATION:-~~

~~Whenever air pollution alert conditions are met, local print, radio, and television news media will be notified. Announcements of the existence of an air pollution "alert" will be made by the news media during regularly scheduled broadcasts and in all editions of the official newspaper of Ada County.~~

~~5-3-7~~ 6 : BURNING SOLID FUEL OR REFUSE:

A. Solid Fuel Heating Appliances: No person shall cause or allow the burning of any matter other than wood fuel ~~refuse or coal to be burned~~ in a solid fuel heating appliance designed for wood fuel. Such prohibition shall include, but is not limited to, refuse or coal.

B. Incinerators: No person shall cause or allow an ~~refuse~~ incinerator to be operated contrary to the design, specifications, ~~and~~ manufacturer's instructions and/or laws pertaining thereto .

~~5-3-8: AIR QUALITY ALERT, ADDITIONAL RESTRICTIONS:-~~

~~At the onset and during the pendency of a declared air quality "alert", the following additional restrictions apply:-~~

~~A. Appliances And Fireplaces: No person shall cause or allow, after a three (3) hour "burn down", the operations of a solid fuel heating appliance or open fireplace, unless an exemption has been granted by the city clerk.~~

~~B. Incinerators: No person shall cause or allow the operation of a solid waste incinerator.~~

~~C. Open Burning: No person shall cause or allow open burning of refuse or solid fuel.~~

5-3-9: EXEMPTIONS:

A. Grant By City Clerk: The city clerk shall grant exemptions from this chapter if it is determined by the city clerk that:

1. A solid fuel heating appliance is the sole source of heat for the structure in which it is situated; or

2. Using alternative heating would cause an unreasonable economic hardship; ~~or~~

~~3. The solid fuel heating appliance is listed by Ada County development services as a clean burning appliance.~~

B. Denial Of Exemption; Hearing: Any person denied an exemption under this chapter shall be provided, at the option of the applicant for the exemption, a hearing before the mayor and city council.

C. Noneligibility For Exemption: Any building constructed after the effective date hereof shall not be eligible for an exemption ~~under subsections A1 and A2 of this section~~ from this chapter .

~~**5-3-10: MINIMUM STANDARDS FOR CLEAN BURNING APPLIANCES:**~~

~~In no event shall the standards for clean burning solid fuel heating appliances allow a weighted average particulate emission greater than:-~~

~~A. For a new clean burning solid fuel heating appliance with a minimum heat output of less than forty thousand (40,000) Btu per hour and tested pursuant to procedures approved by the building department:-~~

~~1. Seven and five-tenths grams (7.5 g) per hour for a noncatalytic solid fuel heating appliance.-~~

~~2. Four and one-tenth grams (4.1 g) per hour for a catalytic solid fuel heating appliance.-~~

~~B. Clean burning solid fuel heating appliances with a minimum heat output of greater than forty thousand (40,000) Btu per hour shall not exceed an average particulate emission standard equal to the sum of eight grams (8.0 g) per hour plus two-tenths gram (0.2 g) per hour for each one thousand (1,000) Btu per hour heat output.-~~

~~C. For any other solid fuel heating appliance officially exempted by the environmental protection agency from the above requirements.-~~

~~5-3-14 7: APPLICABILITY OF CHAPTER:~~

~~Nothing in this chapter is intended to conflict with, supersede, repeal, or affect any other regulations or requirements for the installation or inspection of solid fuel heating appliances, including, but not limited to, those regulations adopted at title 10, chapter 1 of this code. Further, nothing in this chapter is entitled to conflict with, supersede, repeal, or affect any other regulations or requirements for the open burning, outdoor fires, and incineration permits, including, but not limited to, those regulations adopted at chapter 2 of this title. applicable state or federal laws, rules, and/or regulations.~~

~~5-3-12 8: ENFORCEMENT AND PENALTY:~~

~~A. Enforcement: The city of Meridian's fire chief, fire marshal or his duly authorized representative or his designee and or any law enforcement officer in the city of Meridian shall have the authority to enforce the provisions of this chapter.~~

B. Penalties: Each violation of any regulation hereunder or the provisions of any permit issued pursuant hereto shall be a misdemeanor, and for each day said violation shall continue, shall constitute a separate offense hereunder. Such violation shall be punishable as provided in section 1-4-1 of this code.

~~C. Punishment: Such violation is punishable by imprisonment in a county jail not exceeding six (6) months, or by a fine not exceeding three hundred dollars (\$300.00) or both.~~

5-3-9: SEVERABILITY:

If any provision or section of this Ordinance shall be held to be invalid by a court of competent jurisdiction, then such provision or section shall be considered separately and apart from the remaining provisions or section of this Ordinance, which shall remain in full force and effect.