

CHAPTER 6 OPEN BURNING

3-6-1: OPEN BURNING PROVISIONS:

A. Outdoor Fires: No person shall build, ignite, or maintain any outdoor fire of any kind or character, or for any purposes whatsoever, except as provided herein:

1. The following types of fires are allowable, and shall not require a permit hereunder. Such fires must be constantly attended by a competent adult until such fire is completely extinguished:

- a. Fires used by organized firefighting personnel for the purposes of combating fire or training.
- b. Barbecues, or other fires used for the preparation of food.
- c. Campfires, or fires used for recreational or ceremonial purposes. A garden hose connected to the water supply, or other fire extinguishing equipment must be readily available for use.

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

- a. Household solid waste or garbage;
- b. Leaves, grass clippings;
- c. Junked motor vehicles or any material resulting from a salvage operation;
- d. Tires or other rubber materials or products;
- e. Plastics;
- f. Asphalt or composition roofing or any other asphaltic material or product;
- g. Tar, tarpaper, waste, or heavy petroleum products;
- h. Existing structures;
- i. Lumber or timbers treated with preservatives;
- j. Other construction materials such as sheetrock, flooring, insulation;
- k. Dead animals or parts thereof, except upon the order of a public health officer to dispose of diseased animals;

- l. Paint, solvent, or other chemicals;
 - m. Trade waste;
 - n. Insulated wire;
 - o. Pathogenic wastes or infectious wastes, except under order off a public health officer to dispose of diseased animals;
 - p. Hazardous waste, except when burned under order of a public or military fire chief to dispose of materials (including military ordinance) 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;
 - q. Any type of materials that emit large volumes of smoke, particulates, or odors, including wet materials;
 - r. Any other material that would otherwise be allowed under this chapter, but is determined to be a nuisance, hazard, or source of air pollution;
 - s. Notwithstanding the provisions of any section of this chapter, any material which violates an air pollution alert; and
 - t. Notwithstanding the provisions of any section of this chapter, any material which is restricted as specified in IDAPA rules for the control of air pollution 16.01.01.
3. The following types of fires may be allowed by permit only:
- a. Fires used for the purpose of weed abatement along fence lines, canal banks, and ditch banks;
 - b. Fires used for control or alleviation of fire hazard or for weed control when no alternative control method exists;
 - c. Vegetation, brush, or gardening waste, generated on the property where the burning will take place;
 - d. Special permits will be issued in accordance with current Nampa fire department policy.
4. Conditions of the permit:
- a. All open burning is prohibited if either: 1) the department of environmental quality reports the air quality index to exceed their minimum requirements for any air pollutant, 2) in the event of adverse weather conditions or the prediction of adverse weather conditions. When calling to request a permit, Nampa fire department will advise the applicant if either of the conditions exist;

- b. Only one fire in a single location may be burned at any one time on a single permit;
- c. Open burning is not permitted within twenty five feet (25') of any structure or combustible material;
- d. Fires shall not be allowed to smolder overnight;
- e. Size of pile shall be limited to no more than three feet (3') in diameter and two feet (2') in height;
- f. Any open fire shall be constantly attended by a competent adult until such fire is completely extinguished. This person shall have a garden hose connected to the water supply, or other fire extinguishing equipment readily available for use;
- g. Permits shall be obtained by calling the Nampa fire department;
- h. All permits must contain the name, address, and phone number of permittee, the location of proposed burning, and what is being burned. Permit is good for the day of issuance only;
- i. Any person denied a burning permit by the city of Nampa may appeal that decision in writing to the city council. Such appeal must be made within ten (10) days. The city of Nampa shall rule on said appeal within fifteen (15) days of receipt.

B. Violation And Penalties:

1. Violation of, or failure to comply with any provisions of this chapter shall be a violation of this chapter, and will permit the city of Nampa to initiate one or more of the following actions:
 - a. Legal proceedings to obtain an injunction against the permittee or the owner of the property upon which open burning was conducted;
 - b. Suspension of issuance of all future and/or granted permits for open burning by the city of Nampa.
2. Any person violating any provision of this chapter shall be guilty of an infraction. An infraction shall be punishable by a civic penalty of not more than one hundred dollars (\$100.00).
3. Nothing in this chapter precludes the 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. 2910)

CHAPTER 12

SOLID FUEL HEATING APPLIANCE REGULATIONS

4-12-1: SOLID FUEL HEATING APPLIANCE PERMITS:

- A. It shall be unlawful for any person in the city to install a solid fuel heating appliance in any new or existing structure until procuring from the building department a solid fuel heating appliance permit.
- B. It shall be unlawful on or after July 1, 1987, for any person in the city to: advertise for sale, offer to sell, or sell, for installation in any new or existing building, a solid fuel heating appliance which has not been certified as clean burning by the Oregon department of environmental quality (DEQ). (Ord. 2027, 3-16-1987)

4-12-2: DENIAL OF PERMIT OR EXEMPTION:

Upon a showing of sufficient cause to believe that grounds exist for denial of a permit, or exemption from the rules and regulations of the building department as provided for in this chapter, the building official or designee may deny said permit or exemption by:

- A. Notifying the applicant by certified mail, personal service, or substituted service of the grounds for said denial and of the applicants opportunity to appeal said denial to the solid fuel heating appliance appeals and advisory board.
- B. Failure of a person to actually receive a notice sent or served, shall not invalidate the denial.
- C. The applicant, upon receiving notice of the denial, may appeal said denial by making application for a hearing before the solid fuel heating appliance appeals and advisory board within ten (10) working days of receipt of above notice. (Ord. 2027, 3-16-1987)

4-12-3: DENIAL HEARING AND DETERMINATION BY BOARD:

The hearing shall be before the solid fuel heating appliance appeals and advisory board. At such hearing the applicant may present evidence, call witnesses and be represented by counsel. Within ten (10) working days after the date of the hearing, the solid fuel heating appliance appeals and advisory board shall either:

- A. Approve the denial by the building official or designee.
- B. Allow the issuance of the permit or exemption with modifications or conditions as the board may impose, such modifications or conditions to be reasonably related to the use of the permit or exemption. (Ord. 2027, 3-16-1987)

4-12-4: APPEAL OF DECISION OF BOARD:

The decision of the board on a denial shall be final and conclusive. Appeal from a decision of the board must be made to the city council. (Ord. 2027, 3-16-1987)

4-12-5: MINIMUM STANDARDS FOR CLEAN BURNING APPLIANCES:

A. In no event shall the standards for clean burning solid fuel heating appliances, as adopted by rule and regulation by the building department allow a weighted average particulate emission greater than:

1. For a new clean burning solid fuel heating appliance with a heat output of less than forty thousand (40,000) Btu/hr, from and after July 1, 1987, until June 30, 1988, when tested pursuant to procedures approved by the building official.

a. Fifteen grams (15 g) per hour for a noncatalytic solid fueling heating appliance.

b. Six grams (6 g) per hour for a catalyst equipped solid fuel heating appliance.

2. For a new clean burning solid fuel heating appliance with a minimum heat output of less than forty thousand (40,000) Btu per hour, after July 1, 1988, when tested pursuant to procedures approved by the building department:

a. Nine grams (9 g) per hour for a noncatalytic solid fuel heating appliance.

b. Four grams (4 g) per hour for a catalyst equipped solid fuel heating appliance.

3. Clean burning solid fuel heating appliances with a minimum heat output of greater than forty thousand (40,000) Btu per hour, after January 1, 1987, shall not exceed an average particulate emission standard equal to the sum of eight grams (8 g) per hour plus two-tenths grams (2/10 g) per hour for each one thousand (1,000) Btu per hour heat output.

4. Any person denied a clean burning solid fuel heating appliance permit shall have a right to a hearing pursuant to this chapter.

B. The building department shall maintain a list of appliances certified to be clean burning by the Oregon department of environmental quality. (Ord. 2027, 3-16-1987)

4-12-6: SOLID FUEL HEATING APPLIANCE APPEALS AND ADVISORY BOARD CREATED:

There is hereby created a solid fuel heating appliance appeals and advisory board for the purpose of hearing and deciding all appeals from a denial by the building official or designee of a solid fuel heating appliance permit as is required by this chapter. Said solid fuel heating appliance appeals and advisory board shall recommend to the building official inspection and enforcement criteria associated with this chapter. The solid fuel heating appliance appeals and advisory board shall consist of three (3) members, exclusive of the mayor who shall at all times be an ex officio member of said board. The first solid fuel heating appliance appeals and advisory board shall be appointed by the mayor with the advice and consent of the council, and the members of the first board shall be appointed to serve as follows:

One member for a period of one year, one member for two (2) years, and one member for three (3) years.

Thereafter, the mayor, with the advice and consent of the council, shall appoint each year, one member to take the place of the retiring member on said board and said appointment shall be for a period of three (3) years. In the event, however, that any member of the board shall resign or, through death or disability, cease to be a member of said board, the mayor shall appoint a successor, with the consent of the council, to finish out the unexpired term of such member. (Ord. 2027, 3-16-1987)

4-12-7: QUALIFICATIONS:

All persons appointed to membership on the board shall be duly qualified voters in the city; provided, however, one such appointed member may reside outside the city and does not have to be a qualified voter in the city. (Ord. 2027, 3-16-1987)

4-12-8: ORGANIZATION:

The board shall organize within ten (10) days following its appointment, and shall, at its first meeting, select one of its members as chairman, one as vice chairman, and one as secretary; all officers elected shall hold office during the pleasure of the board. During the absence or disability of the chairman, the vice chairman shall assume the duties imposed by this chapter on the chairman. The secretary shall be required to keep an accurate record of all proceedings of the board, and the board shall file quarterly or more often, if necessary, a report of all its proceedings, transactions, and recommendations to the council. The secretary of the board shall be entitled to receive such expenses as may be determined by the board, and as need therefor arises; subject, however, to the approval of the council. The board shall have the power to recommend the adoption of rules and regulations for its own deliberations. The board shall meet when required to hear appeals from denials of solid fuel heating appliance permits as provided in this chapter. (Ord. 2027, 3-16-1987)

4-12-9: POWERS AND DUTIES:

The solid fuel heating appliance appeals and advisory board shall hear and decide all appeals from a denial by the building official or designee of a solid fuel heating appliance permit as is required by this chapter. The solid fuel heating appliance appeals and advisory board shall recommend to the building official inspection and enforcement criteria associated with this chapter. (Ord. 2027, 3-16-1987)

4-12-10: INCENTIVE PROGRAM FOR THE INSTALLATION OF CLEAN BURNING SOLID FUEL HEATING APPLIANCES:

The city shall endeavor to create, and provide funding for, an incentive program for the installation of solid fuel heating appliances consistent with the emissions standards provided for solid fuel heating appliances in buildings. Such incentive programs shall provide low interest loans, or other inducements, to eligible persons, for the installation of solid fuel heating appliances in existing residential and/or commercial units. (Ord. 2027, 3-16-1987)

4-12-11: PENALTY:

The violation of any of the provisions of this chapter, or the failure or omission to perform any duty imposed by the provisions of this chapter, is hereby declared unlawful and punishable as a misdemeanor. (Ord. 2027, 3-16-1987)