

Chapter 4

BURNING REGULATIONS

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4-4-1: INTENT:

The intent of this chapter is to prohibit or regulate burning of various materials so as to protect the health, safety and welfare of the citizens and residents of Emmett. (Ord. 2008-3, 3-25-2008)

4-4-2: INTERPRETATION:

- A. Residential Accumulations: The term "residential accumulations" as herein mentioned shall not include any materials, natural or otherwise, transported from the point or source of pick up and deposited on parcels of land other than the place of pick up. This provision is intended to prohibit transporting materials obtained, for example, by commercial cutting, from the point or areas of cutting, depositing the same on another parcel of land, and then burning the accumulation.
- B. Burning Wood And Solid Fuels: This chapter shall not be deemed to prohibit the use of wood and solid fuels for domestic cooking or heating of the interior of structures. Solid fuel heating appliances shall be installed and regulated in accordance with article A of this chapter. (Ord. 2008-3, 3-25-2008)

4-4-3: GENERAL BURNING RESTRICTIONS:

- A. No person shall burn any wood, petroleum products, weeds, brush, branches, leaves, trash, garden plants, papers or rubbish out-of-doors in the city except as herein authorized.
- B. There shall be no burning indoors or outdoors of tires, garbage and like waste materials.

- C. There shall be no burning of structures, buildings, or weeds and grass on business lots or new developments without the prior written consent of the fire code official.
- D. Outdoor burn barrels are prohibited. Branches over one-half inch ($1/2$ ") in diameter and leaves shall not be burned outdoors.
- E. This section shall not prohibit the use of outdoor fires for cooking or recreation purposes such as barbecues and activities related to like events. (Ord. 2008-3, 3-25-2008)

4-4-4: BURNING WEEDS AND PLANT MATERIALS:

This chapter shall not prohibit the burning of weeds and like natural plant growths located in irrigation ditches, provided a fire burning permit is first obtained from the fire code official. Likewise, this chapter shall not prohibit the burning of residential accumulations of plant materials such as weeds, brush, and garden refuse, provided a fire burning permit is first obtained from the fire code official. Required conditions for a fire burning permit are as follows:

- A. Air quality, wind and weather conditions shall be considered. Common sense must prevail.
- B. No burning shall take place within twenty five feet (25') of structures or other combustible materials.
- C. A water hose shall be connected to a water source and be within range of the fire. If a water hose is not available, other fire extinguishing equipment must be readily available for use.
- D. No fire shall be allowed to smolder overnight, and no fire shall be left unattended by an adult.
- E. The recipient of a burning permit shall call sheriff's dispatch when burning starts and again when the fire is out. (Ord. 2008-3, 3-25-2008)

4-4-5: INDOOR BURNING:

No person shall burn any trash, papers or rubbish anywhere indoors within the city, except in a stove or incinerator complying with all laws and city ordinances¹. Incidental indoor burning of household trash, paper and rubbish shall not be prohibited, but the fire code official is authorized to monitor abuses of this exclusion. If the fire code official determines, after observation and monitoring of burning, that this exception is being abused, he may notify, in writing, the party or parties involved, requesting the party to cease abusing the exception. If the abuse continues after said written notification, it shall be presumed the party causing the burning is wilfully violating this chapter, and thereupon, the fire code official may

submit a written report to the city police department or prosecuting attorney's office that includes a description of the violation, and the city police department or prosecuting attorney's office will determine if the party will be cited for causing such wrongful burning as a wilful violation hereof and present the matter to a proper court for hearing. For the purposes of a warning or citation, it shall be presumed that the occupant of any building where the burning violation occurs is the party wilfully violating this chapter and the warnings of the fire code official. (Ord. 2008-3, 3-25-2008)

4-4-6: VIOLATION; PENALTY:

Violation of the provisions of this chapter shall be deemed a misdemeanor, and any person so charged, if found guilty, shall be punished by a fine as provided in section 1-4-1 of this code. (Ord. 2008-3, 3-25-2008)

4-4-7: BURNING PERMIT; FEES:

The city council shall establish specific fees by resolution for burn permits and fire department call outs.

A. Burning permit fee will be charged.

B. If the fire department has to be called due to violations of this chapter, a fee will be charged.

C. Violation of the provision of this section shall be deemed a misdemeanor and any person so charged, if found guilty, shall be punished by a fine as provided by section 1-4-1 of this code. (Ord. 2008-3, 3-25-2008)

Footnotes - Click any footnote link to go back to its reference.

Footnote 1: See article A of this chapter.