

Adopted June 14, 2004

May 24, 2004

Caribou County, Idaho

Ordinance Number 04-06

A PROPOSED ORDINANCE OF CARIBOU COUNTY, IDAHO; TO PROVIDE FOR THE REGULATION AND CONTROL OF THE BURNING OF MATERIALS; TO PROVIDE FOR THE ISSUANCE OF A PERMIT FOR OPEN BURNING; TO PROVIDE FOR CIVIL AND CRIMINAL PENALTIES FOR VIOLATION OF THIS ORDINANCE; REPEALING PRIOR CONFLICTING ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS OF THIS ORDINANCE; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CARIBOU COUNTY, IDAHO:

Section A. Intent. Caribou County desires to regulate the open burning of material outdoors and for the issuance of permits for such burning. Additionally, due to the increased costs of suppressing such fires that get out of control due to improper supervision, the County needs to provide a means of recouping costs for suppressing such fires that are started or supervised in a negligent manner and other unreasonable conduct on the part of those starting and supervising said fires. Finally the entities responsible for suppressing fires within various sections of the County need the authority to deny or declare a moratorium on burning.

Section B. Enactment of Ordinance. The following is adopted as an ordinance of Caribou County.

BURNING OF MATERIALS

Section 1. Burning Subject to Ordinance. The following shall apply to the burning of any materials within Caribou County not lying within the city limits of any incorporated City.

Section 2. Purpose. The purpose and intent of this Ordinance is to eliminate all forms of open burning except those for which there is no means of producing a similar public benefit, or such as may be permitted herein.

Section 3. Definitions. Open burning means the outdoor burning of materials where the products of combustion are not directed through a duct, passage, smokestack or chimney.

Section 4. General Restrictions. Except as herein otherwise provided, no person shall allow, suffer, cause or permit the open burning of materials which emit toxic contaminants, large volumes of smoke, particulate or odors, sparks or flames from the date of passage without obtaining a burn permit.

A. All crop residue (crop residue as defined in Title 22 Agriculture and Horticulture,

Chapter 48 Smoke Management and Crop Residue Disposal means any vegetative material remaining in the field after harvest and shall not include weeds along ditch banks or water ways, orchard pruning, or forest slash piles) burning shall be in accordance with Idaho State Department Of Agriculture Rules specific to Crop Residue Burning, IDAPA 02.06.16, i.e.;

In order to burn crop residue as defined above the applicant must register all fields to be burned by contacting the Idaho State Department of Agriculture [toll free at 1-866-224-2456], the County Extension Office or the (USDA) Farm Service Agency. The Caribou County Fire Department or the Caribou County Sheriffs Office does not have the authority to issue these "field registration" forms. In order to complete the field registration forms, the applicant must first contact the Caribou County Fire Department [547-2583] or the Caribou County Sheriffs Office [547-2561] for a County burn permit.

Section 5. Categories of Allowable Burning. The purpose of the following subsections is to establish categories of open burning that are allowed when done according to prescribed conditions:

- A. Recreational and Warming Fires. Open outdoor fires used for the preparation of food or recreational purposes (campfires, ceremonial fires, and barbecues) or small fires set for hand warming purposes are allowable forms of open burning.
- B. Residential Solid Waste Disposal Fires.
 - 1. Fires Allowed. Open outdoor fires used to dispose of solid waste (rubbish, tree leaves, yard trimmings, gardening waste, etc.) excluding garbage produced by the operation of a domestic household is an allowable form of open burning when the following provisions are met:
 - a. No scheduled house to house solid waste collection service is available.
 - b. The burning is conducted on the property where the solid waste was generated.
 - c. Weather conditions are conducive to said burning. (i.e.: no wind).
 - d. Said burning is performed in a container suitable to control any stray flames and/or ashes.
- C. Infectious Waste Burning. Upon the order of a public health office, open outdoor fires used to dispose of diseased animals or infested material is an allowable form of open burning.

Section 6. Requirement for Burning.

A. Permit. A permit is required in all cases except for a recreational fire, burn barrel, and incinerator or for burning inside in a fireplace, or wood stove. The Fire Chief, the Fire Chief's designee, the Sheriff, or the Sheriff's designee is authorized to issue a permit for burning upon application by applicant. The permits are free (no fees are required). A person desiring to burn may obtain a permit and obtain approval of said permit by telephone by providing the information set forth below to the Fire Chief, or the Fire Chief's designee, or the Sheriff, or the Sheriff's designee. The purpose of the permit is to provide a record of the location of any burn and the name of the person responsible for conducting the burn. The application and the permit shall provide the following information:

1. Location of the proposed open burn;
2. Expected duration of the open burn;
3. Materials to be burned;
4. Name, address and telephone number of the person that will be responsible for conducting the open burn, if different;
5. Expected date of burn.

The permit shall be valid for two weeks from the date issued. If the identity of the responsible person or the locations of the proposed open burn change, the permit shall be void. The responsible person shall in all instances advise the Caribou County Sheriffs dispatchers' office, by telephone or in person, immediately prior to starting the burn.

The permit may be revoked or suspended by the Fire Chief, or the Fire Chief's designee, or the Sheriff, or the Sheriff's designee, if conditions are inappropriate for a burn. In case of revocation or suspension, the permittee shall be immediately notified of the action.

The permit shall be in addition to a permit required by any other jurisdiction having control within the same area such as the Fort Hall Indian Reservation, Bureau of Land Management, United States Forest Service, Idaho State Department of Lands and the Idaho State Department of Agriculture.

The Fire Chief, or the Fire Chief's designee, or the Sheriff, or the Sheriff's designee, or the Caribou County Commissioners may declare a moratorium on burning which may extend for such period of time as believed necessary due to adverse conditions which may cause increased hazards for fires.

A permit may be obtained by telephone. Any person obtaining a burning permit from the appropriate authority by telephone shall be responsible for said fires for which they are permitted. Any person obtaining a permit by telephone shall be held to the same

standard and level of responsibility the same as a person obtaining a written permit which they sign personally. This responsibility includes all of the information and restrictions that are listed on the actual Burning Permit. A copy of said permit is attached to this ordinance as Exhibit A.

5. Attendance of Open Fires. All open burning shall be constantly attended by a competent person until such fire is extinguished. This person shall have a garden hose connected to the water supply or other fire extinguishing equipment readily available for use.

Section 7. Violation is a Misdemeanor. Any person violating any of the provisions of this Ordinance or willfully refusing to comply with any proper requirements of the designated officer shall be deemed guilty of a misdemeanor. Each occasion a violation of the provisions of this Ordinance occurs shall constitute a separate offense. In addition to any fine levied, reimbursement for damage caused or for suppression costs may be assessed against any person found guilty of violating this ordinance.

Section 8. Civil Penalties. Any person violating this ordinance or who does any of the following:

- A. Burns without a permit where a permit is required;
- B. Burns non permitted materials;
- C. Does not maintain control of a fire for which that person is responsible;

May be liable for the costs of suppressing any resulting fire. Such costs shall include the cost of wages paid out by any fire department responding to that particular fire as well as a reasonable charge for usage of equipment, materials and supplies in suppressing said fire. The entity responsible for fire control, the fire department contracting for fire suppression services within the area or any party suffering damages from such violations shall have the right to bring an action for such recovery.

Section 9. Fire Safety Requirements. The County of Caribou shall construe nothing in this Ordinance as repealing or amending in any way any safety provisions of the Fire Prevention Code heretofore adopted. All of the safety requirements therein prescribed for outdoor burning, bonfires or rubbish fires shall be required of all persons holding permits under the provisions of said Ordinance.

Section 10. Repeal of Conflicting Ordinances. The provisions of any Ordinance of Caribou County, Idaho, which are in conflict with the provisions of this Ordinance, are hereby repealed to the extent of such conflict.

Section 11. Severability. If any court of competent jurisdiction holds any provision of this ordinance invalid, for any reason, such holding shall not affect the validity or enforceability of any of the remaining provisions.

Section 12. Effective Date. This Ordinance shall take effect and be in force from and after its passage, approval and publication.

PASSED by the Board of Commissioners of Caribou County, Idaho on the 14 day of June, 2004.

By: Bruce M Dredge
Bruce M. Dredge, Chairman

Lloyd M Rasmussen
Lloyd M. Rasmussen, Member

Wm Bart Conlin
Wm. Bart Conlin, Member

ATTEST:

Edie Bush

EDIE BUSH, Clerk

Published May 27, 2004 and June 3, 2004 in the Caribou County Sun.

**EXHIBIT A
CARIBOU COUNTY
BURNING PERMIT**

Granted in accordance with the **FIRE PREVENTION CODE:**

Location of proposed open burn: _____

Expected date of purposed burn: _____

Materials to be burned: _____

Name, address and phone number of person applying for open burn permit:

Name: _____

Address: _____

Phone#: _____

Person responsible for conducting open burn if different from name of permitted:

Name: _____

No [] Yes [] Are you within 50 feet of any structure?

[] Fires shall be under constant attendance by permitted or other competent person until extinguished.

[] Will fire be on your own property? If not, you must have written permission from property owner.

[] Materials that include prohibited materials shall not be burned.

[] If smoke creates a traffic hazard, you shall provide traffic control.

[] All open burning will be conducted between sunup and 1 PM.

[] Permitted must contact sheriff dispatch prior to starting open burn and notify dispatch when open burn is concluded. [547-2561]

[] In order to burn crop residue the applicant must register all fields to be burned by contacting the Idaho State Department of Agriculture [toll free at 1-866-224-2456], the County Extension Office or the (USDA) Farm Service Agency.

The permitted shall not hold the County of Caribou liable for any damage done by any fire started or controlled by the permitted. Permitted are bound by Caribou County Ordinance Number _____ and its contents. I agree to abide by these regulations thereby conducting a safe abatement of potential fire hazards.

Permit issued by: _____ Date: _____

Permit Number: _____

THE PERMIT SHALL BE VALID FOR TWO WEEKS FROM DATE OF ISSUE

PROHIBITED MATERIALS

1. Garbage;
2. Dead animals or parts there of;
3. Tires or other rubber materials or products;
4. Junked motor vehicles or any materials resulting from a salvage operation;
5. Plastics;
6. Asphalt or composition roofing or any other asphalted material or products;
7. Tar, tarpaper, waste or heavy petroleum products, or paints;
8. Lumber or timbers treated with preservatives, including railroad ties;
9. Trade waste except as allowed in Sections 606 through 616;
10. Insulated wire;
11. Pathogenic waste;
12. Hazardous waste;
13. Any material which, when burned, will cause or create dense smoke or odor.