

ORDINANCE NO. 66

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AN ORDINANCE OF THE CITY OF DOVER, BONNER COUNTY, IDAHO, PROVIDING FOR THE ISSUANCE OF BURN PERMITS, PROVIDING FOR A FEE THEREFORE, PROVIDING THAT A VIOLATION OF THIS ORDINANCE IS A MISDEMEANOR, AND PROVIDING FOR A PENALTY FOR VIOLATION HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DOVER, IDAHO:

**Section 1.00 Issuance of Burn Permits.**

(A) No open burning shall be allowed within the boundaries of the City of Dover except by permit issued by the Westside Fire District in accordance with the Uniform Fire Code in effect at the time of the application for the permit. Burning shall only be allowed within the applicants property boundaries.

(B) Open burning shall only be conducted in accordance with the provisions of the Uniform Fire Code in effect at the time of the application for a permit.

(C) A permit issued hereunder shall be immediately available for inspection by the Westside Fire District or the City of Dover at any time burning activities covered by the permit are being conducted. A failure to display a valid permit upon request of the Westside Fire District or the City of Dover shall constitute a violation of this ordinance unless, within three (3) business days of the failure to display a valid permit, the applicant presents for inspection a permit which was valid at the time of the request to the requesting entity.

(D) Any alteration of the permit, after issuance by the Westside Fire District, shall be deemed a violation of the ordinance, and shall render the permit immediately invalid.

(E) The form of application for a burn permit as required by hereunder shall be as adopted, from time to time, by the City of Dover by resolution.

**Section 2.00. Duration of Burn Permits and Renewal of Permits.**

(A) A burn permit issued hereunder shall be valid for ten (10) days from the date of issuance. This time shall not be extended by virtue of a suspension of open burning by any authority, which suspension is imposed during the period of the burn permit.

(B) A burn permit may be renewed for additional periods of ten (10) days, which renewals shall be endorsed in writing on the face of the permit by an authorized representative of the Westside Fire District.

(C) The Westside Fire District shall employ the same standard for issuing a renewal of a burn permit as it employs in the issuance of the original permit.

**Section 3.00. Permit Fees.**

(A) There shall be no fee for a permit issued for open burning for residential purposes.

(B) The fee for a permit issued for commercial purposes shall be fifty dollars (\$50.00).

(C) The fee for renewal of a commercial burn permit shall be ten dollars (\$10.00).

(D) The City of Dover, as a government entity, shall be exempt from fees.

**Section 4.00. Investigation and Enforcement.**

(A) The Chief of the Westside Fire District, or a designee, shall investigate potential violations of the Uniform Fire Code in effect at that time of this ordinance. If the Chief of the Westside Fire District, or a designee, determines that the Uniform Fire Code, in effect at the time of the violation, or this ordinance has been or is being violated, said violation shall be reported promptly to the City of Dover. Said report

shall include the name of the person or persons conducting open burning in violation of the Uniform Fire Code or this ordinance, and, if different, the name of the owner of the property upon which said open burning was conducted. Said report shall also include the date, if any, of any burn permit issued with respect to the open burning involved, together with the date(s) of any renewals thereof, a statement of the section of the Uniform Fire Code and/or this ordinance violated, and a brief narrative description of the nature of the violation.

(B) Upon a determination by the Chief of the Westside Fire District, or a designee, that a violation of the Uniform Fire Code, in effect at that time, or this ordinance has occurred or is occurring, the Chief, or designee, may order that the burning cease. If the person or persons conducting the open burning in violation of the Uniform Fire Code, valid at that time, or this ordinance fails or refuses to cease said burning, the Westside Fire District may extinguish the fire and the person or persons conducting the open burning in violation of the Uniform Fire Code or this ordinance may be billed for the cost of extinguishing said fire.

(C) The City of Dover, upon a written report from the Chief of the Westside Fire District, or a designee, of a violation of the Uniform Fire Code or this ordinance, may cause a citation to be issued to the person or persons conducting the open burning and if different, to the owner of the property upon which said open burning has occurred.

**Section 5.00. Violation; Penalty.**

Any person who violates any of the provisions of this ordinance, or who fails or refuses to comply with any of the terms and conditions of this ordinance and the application required hereunder, shall be guilty of a misdemeanor and, upon conviction, shall be sentenced to a term of not more than six (6) months incarceration in the county jail or fined in an amount not to exceed Five Hundred Dollars (\$500.00), or both.

**Section 6.00. Conflict**

Any prior ordinance, section of any ordinance or part of any ordinance in conflict with this ordinance is hereby repealed to the extent of such conflict, as necessary.

**Section 7.00. Effective Dates of Ordinance.**

This ordinance shall be in full force and effect upon its passage, approval and publication in one issue of the Bonner County Daily Bee, a newspaper published in the City of Sandpoint and hereby declared to be the official newspaper for the publication of this ordinance.

ADOPTED as an ordinance of the City of Dover, Idaho on the 13th (thirteenth) day of March, 2003.

Mayor: Paul "Randy" Curless

Paul "Randy" Curless

Attest: Ruth Guthrie

Ruth Guthrie, City Clerk