

**ORDINANCE NO. 138
CITY OF DOVER, IDAHO**

AN ORDINANCE OF THE CITY OF DOVER, A MUNICIPAL CORPORATION OF IDAHO KNOWN AS THE DOVER OPEN BURNING ORDINANCE; PROVIDING FOR ENFORCEMENT WITHIN THE DOVER CITY LIMITS PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of Dover, Idaho as follows:

SECTION 1. PURPOSE AND INTENT

The City of Dover recognizes that the public health and safety of the residents of the City of Dover and the protection of their property requires the regulation of open burning.

SECTION 2. DEFINITIONS

For the purpose of this ordinance, the following terms are defined herein.

Open Burning: Starting or maintaining any fire outside a residence or other building structure where the products of combustion are emitted directly into the ambient air without passing through a stack, chimney or similar exhaust device. Open Burning also applies to material that is burned in burn barrels, air curtain destructors, or other such devices. Open Burning does not include fires contained wholly within a barbecue, cooker, or similar device designed, intended and used for outdoor cooking, and that is not intended or being used for burning of substances otherwise prohibited under this section.

Recreational Fires, Cooking Fires, and Warming Fires: Fire for the preparation of food, campfires, and barbecues, enclosed in a fire ring no more than 3 feet in diameter.

SECTION 3. BURNING RESTRICTIONS AND EXCEPTIONS

Given the dry conditions and potential fire danger, the City of Dover prohibits Open Burning from May 10th to October 20th of each year within City limits without a burn permit.

- A. Recreational fires, cooking fires and warming fires are allowed during this time. Recreational fires, cooking fires and warming fires must comply with the following restrictions:
- I. Fires for the preparation of food, campfires, and barbecues must be enclosed in a fire ring no more than 3 (three) feet in diameter.
 - II. They shall not be ignited within twenty-five (25) feet of a structure or combustible material unless the fires are contained in a barbecue or barbecue pit. Persons igniting these fires shall remove materials that could cause a fire to spread to within twenty-five (25) feet of a structure before lighting these fires.
 - III. A responsible person, who knows how to safely contain a recreational, cooking, or warming fire, must be present at the fire at all times until the fire is extinguished.

- B. In the event an Open Burn must occur, in an effort to reduce potential fire danger to surrounding structures and property, a burn permit must be obtained from the Westside Fire District in order to evaluate conditions and risks associated with the Open Burn.

SECTION 4. BURNING ALLOWED FROM October 21st to May 9th:

The City of Dover allows Open Burning within City limits from October 21st to May 9th of each year in the following circumstances:

- 1) Burning irrigation ditches to keep them clear of plant and weed growth;
- 2) To control or alleviate fire hazards or weeds;
- 3) To train organized firefighting personnel;
- 4) To dispose of tree remnants and dry vegetation;
- 5) Recreational fires, cooking fires, or warming fires must comply with the following restrictions:
 - I. Fires for the preparation of food, campfires, and barbecues must be enclosed in a fire ring no more than 3 (three) feet in diameter.
 - II. They shall not be ignited within twenty-five (25) feet of a structure or combustible material unless the fires are contained in a barbecue or barbecue pit. Persons igniting these fires shall remove materials that could cause a fire to spread to within twenty-five (25) feet of a structure before lighting these fires.
 - III. A responsible person, who knows how to safely contain a recreational, cooking, or warming fire, must be present at the fire at all times until the fire is extinguished.
- 6) The Westside Fire District must be notified prior to the start of the open burn.

SECTION 5. RESTRICTIONS ON OPEN BURNING

- A. It shall be unlawful to engage in Open Burning of garbage, trash, refuse, household solid waste, construction or demolition waste, tires, plastics, rubber, toxic or hazardous substances, or other substances as may be prohibited by State or Federal law (reference IDAPA 58.01.01)
- B. Open Burning shall not be conducted within fifty (50) feet of any structure or combustible material.
- C. A competent person 18 years of age or older shall constantly attend any Open Burn until such time that said burn is completely extinguished. This person must have sufficient tools and equipment on hand to extinguish the fire. Such equipment may include, but is not limited to: hoses connected to a functional water supply; shovels; fire extinguishers, or other fire extinguishing equipment suitable to maintain control of the Open Burn.
- D. All Open Burning shall be conducted in such a manner that the burning does not create a hazard to persons or dwellings, or cause excessive smoke or offensive odors. All Open Burning shall be conducted in a manner such that the combustible materials and fire are contained and controlled to prevent spread of the fire, embers or burning materials.
- E. No person shall kindle a fire upon the premises of another without the permission of the property owner, or the owner's agent.
- F. Hauling of debris from one property to another to burn is prohibited.
- G. Burning of yard waste is allowed during daylight hours only. Small campfires for cooking food are allowed at night. Recreational fires and bonfires may be allowed at night with approval from the fire district. Burn barrels are allowed after obtaining a copy of

“additional instructions” for burn barrel use from the fire district.

- H. The Mayor, on the advice of the Fire Chief, shall have the authority to rescind Open Burning immediately if it is determined that atmospheric, weather or hazardous conditions of local circumstances constitute a threat to the public safety or property.
- I. The person responsible for an Open Burn shall extinguish the Open Burn completely before leaving the Open Burn for any reason whatsoever, or upon the order of the Fire Chief (International Fire Code, Section 307), or a law enforcement officer. An order to extinguish an Open Burn may be based on any of the following reasons:
 - I. Conducting an Open Burn in violation of this Ordinance;
 - II. Insufficient or unsuitable personnel present to control the Open Burn;
 - III. A change from favorable to unfavorable weather or burning conditions;
 - IV. Conducting an Open Burn that is determined to be dangerous or a nuisance.

Section 6. LIABILITY

- A. The City of Dover, its officials and employees, shall not be liable for any injury to persons or property by reason of any act or omission under this ordinance.
- B. The City Council may determine to hold the person or business owner responsible for the Open Burn liable for any costs that the Fire District reasonably incurs as a result of responding. The costs may be based on the current Idaho Department of Lands rate book or rates adopted by the Westside Fire District Board of Commissioners.

Section 7. ENFORCEMENT

Violations of this Ordinance shall be an infraction as defined by Idaho Code § 18-111, punishable by a penalty not to exceed \$100 and for which no period of incarceration may be imposed.

Section 8. SEVERABILITY

The sections of this ordinance are severable. Should any sections of this ordinance be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining sections.

Section 9. REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 10. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

Enacted as an ordinance of the City of Dover, Idaho by the City Council upon roll call vote on the 13th day of August, 2015.

Councilwoman Diane Brockway	Aye
Councilman Neal Hewitt	Aye
Councilman Rowdy MacDonald	Aye
Councilman Bill Strand	Aye

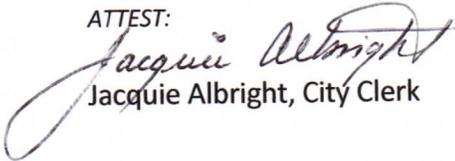
Approved by the Mayor this 13th day of August, 2015

City of Dover, Idaho



Annie Shaha, Mayor

ATTEST:


Jacquie Albright, City Clerk