

OPEN BURNING ORDINANCE # 2009-02

Whereas, it is determined that the public health and safety of the residents of Custer County and the protection of their property require the regulation of open burning in North Custer Fire District; and

Whereas, the State of Idaho has adopted the International Fire Code, which provides for the regulation of open burning;

Now Therefore, The Board of County Commissioners ordains as follows:

A person conducting an open burn in the North Custer Fire District must first call the Custer County Sheriffs Office Dispatch to inform dispatch of where the open burn will be, and provide any other information dispatch requests before beginning the open burn. No person shall build, ignite, or maintain any outdoor open burn unless that person complies with this ordinance, and with the rules of any other government agencies that regulate emissions.

A. **Allowed Burning:** Custer County allows open burning in the North Custer Fire District in the following cases:

- 1. Burning fields where there is no alternative cropping practice that provides equivalent benefits;
- 2. Burning irrigation ditches and fence rows to keep them clear of plant and weed growth;
- 3. To control or alleviate fire hazards or weeds when no alternative control method exists;
- 4. To train organized firefighting personnel;
- 5. To dispose of tree remnants and dry vegetation where no other practical or alternative method of disposal is available.

B. **Prohibited Burning:** No person may burn materials in the North Custer Fire District that emit toxic contaminants or large volumes of smoke, particulates or odors, including but not limited to the following:

- 1. Commercial waste;
- 2. Motor vehicles and parts thereof;
- 3. Drywall, sheetrock, floor underlayment, insulated wire, or insulation;
- 4. Chemicals;
- 5. Dead animals or parts thereof;
- 6. Any materials resulting from a salvage operation;
- 7. Tires or other rubber materials or products;
- 8. Plastics, asphalt or composition roofing or any other asphalt material or product;
- 9. Tar, tarpaper, waste or petroleum products;
- 10. Paints;
- 11. Lumber or timbers treated with preservatives;
- 12. Pathogenic or hazardous wastes; or
- 13. Any burning that this Ordinance would otherwise allow, but that is determined to be a nuisance, a hazard or a source of air pollution.

C. **Restrictions on open burning**

- 1. Open burning shall not be conducted within fifty feet of any structure or combustible material. This fire distance restriction from structures does not apply to burning irrigation ditches in order to maintain adequate irrigation, when done in compliance with this Ordinance.

2. A competent person 18 years of age or older shall constantly attend any open burn until the open burn is completely extinguished. This person must have sufficient tools and equipment at 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.
3. No person shall kindle a fire upon the premises of another without the permission of the property owner or the owner's agent.
4. The North Custer Fire District Commissioners have the authority to require that open burning be immediately discontinued if it is determined that atmospheric, weather or hazardous conditions or local circumstances constitute a threat to public safety or property.
5. 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, fire officer, or a law enforcement officer. An order to extinguish an open burn may be based on any of the following reasons:
 - a. Conducting an open burn in violation of this Ordinance;
 - b. Insufficient or unsuitable personnel present to control the open burn;
 - c. A change from favorable to unfavorable weather or burning conditions; or
 - d. Conducting an open burn that is determined to be dangerous or a nuisance.

D. Civil Liability: The North Custer District Fire Commissioners may decide to hold the person responsible for an open burn liable for any costs that the fire district reasonably incurs as a result responding to any open burn. The costs shall not exceed the Idaho Department of State Lands' Emergency Equipment Rate Book.

E. Recreational fires, cooking fires, warming fires or burn barrels, when conducted in compliance with other portions of this Ordinance, do not require advance notice to the Custer County Sheriffs Office dispatch before they are lit. However, they must comply with the following restrictions:

1. They shall not be ignited within twenty five feet of a structure or combustible material unless the fires are contained in a barbecue pit. Persons igniting these fires shall remove or eliminate materials that could cause a fire to spread to within twenty five feet of a structure.
2. 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.
3. Burn barrels must have a non-combustible screen or grate cover over the opening.

F. Penalty: Any person who violates any provision of this ordinance shall be guilty of a misdemeanor.

G. Effective Date: This Ordinance is effective upon publication.

Adopted this 11th day of May, 2009 by unanimous vote.



BARBARA C. BREEDLOVE, CLERK

Cliff M. Hansen
Cliff M. Hansen, Chairman

240800
Custer County Req. of
Custer County
Time 2:14 P M Date 5-14, 2009
Barbara C. Breedlove, Clerk
B. Breedlove \$ 0
Deputy