

Ordinance No. 2013-04

AN ORDINANCE AMENDING TITLE 8, CHAPTER 8.12, SECTION 030 TO UPDATE CURRENT DEFINITIONS IN SECTION 030; AND REPEALING THE CURRENT 8.12.120 THROUGH 8.12.150 AND ADDING A NEW SECTION 120 REGARDING THE BURNING OF REFUSE OR GARBAGE INCLUDING GENERAL RESTRICTION AND RECREATIONAL FIRES AND ESTABLISHING THE EFFECTIVE DATE THEREOF

WHEREAS, the City Code currently requires burning in the corporate limits of the city be permitted between the hours of eight a.m. and four p.m. only; and

WHEREAS, the City Council finds that sections 8.12.030 should include definitions of material not suitable for burning; and

WHEREAS, the City Council finds that adequate house solid waste collection service is available obviating the need for solid waste outdoor burning including burn barrels; and

WHEREAS, the City Council finds that sections 8.12.130 and 8.12.140 are identical and that section 130 was intended to regulate the making of fires in town.

NOW THEREFORE:

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ST. ANTHONY, IDAHO THAT THE SECTIONS 8.12.030 OF THE ST. ANTHONY CITY CODE BE AMENDED BY AMENDING THE CURRENT SECTION 8.12.030 AS FOLLOWS AND REPEALING SECTIONS 8.12.120 THROUGH 8.12.150 AND ENACTING A NEW SECTION 8.12.120 AS FOLLOWS:

Section 8.12.030.D.

Garbage. Any waste consisting of putrescible animal and vegetable materials resulting from the handling, preparation, cooking and consumption of food including, but not limited to, waste materials from households, markets, storage facilities, handling and sale of produce and other food products.

NEW SECTION 8.12.120

1. BURNING OF REFUSE AND GARBAGE MATERIAL.

It is unlawful to burn refuse or any material which causes an offensive odor or smoke screen.

2. GENERAL RESTRICTIONS.

Categories and Materials. No person shall allow, suffer, cause or permit any open burning operation unless the materials burned do not include any of the following:

- a. Garbage, as defined in Section 8.12.030.D
- b. Dead animals, animal parts, or animal wastes (feces, feathers, litter, etc.)

Summary of Ordinance No. 2013-04

THE CITY OF ST. ANTHONY HEREBY GIVES NOTICE OF THE ADOPTION OF AN ORDINANCE AMENDING TITLE 8, CHAPTER 8.12

SECTIONS 8.12.030 OF THE ST. ANTHONY CITY CODE BE AMENDED BY AMENDING THE CURRENT SECTION 8.12.030 AS FOLLOWS AND REPEALING SECTIONS 8.12.120 THROUGH 8.12.150 AND ENACTING A NEW SECTION 8.12.120 AS FOLLOWS:

Section 8.12.030.D.

Garbage. Any waste consisting of putrescible animal and vegetable materials resulting from the handling, preparation, cooking and consumption of food including, but not limited to, waste materials from households, markets, storage facilities, handling and sale of produce and other food products.

Section 8.12.120

It is unlawful to burn refuse or any material which causes an offensive odor or smoke screen.

Categories and Materials. No person shall allow, suffer, cause or permit any open burning operation unless the materials burned do not include any of the following:

a. Garbage, as defined in Section 8.12.030.D; b. Dead animals, animal parts, or animal wastes (feces, feathers, litter, etc.); c. Motor vehicles, parts, or any materials resulting from a salvage operation; d. Tires or other rubber materials or products; e. Plastics; f. Asphalt or composition roofing or any other asphaltic material or product; Tar, tar paper, waste or heavy petroleum products, or paints; h. Lumber or timbers treated with preservatives; i. Trade waste; j. Insulated wire; k. Pathogenic wastes; l. Hazardous wastes; m. Solid waste (e.g. rubbish, tree leaves, yard trimmings, gardening waste, etc.); n. Weeds (including along fence lines, canal banks, and ditch banks).

Fires used for the preparation of food or for recreational purposes (e.g. campfires, ceremonial fires, and barbecues), or small fires set for hand warming purposes, are allowable forms of open burning.

Violation of the provisions of subsection 1 and 2 shall constitute an infraction, and shall be punishable by a fine of \$50.

- c. Motor vehicles, parts, or any materials resulting from a salvage operation.
- d. Tires or other rubber materials or products.
- e. Plastics.
- f. Asphalt or composition roofing or any other asphaltic material or product.
- g. Tar, tar paper, waste or heavy petroleum products, or paints.
- h. Lumber or timbers treated with preservatives.
- i. Trade waste.
- j. Insulated wire.
- k. Pathogenic wastes.
- l. Hazardous wastes.
- m. Solid waste (e.g. rubbish, tree leaves, yard trimmings, gardening waste, etc.).
- n. Weeds (including along fence lines, canal banks, and ditch banks).

3. RECREATIONAL AND WARMING FIRES.

Fires used for the preparation of food or for recreational purposes (e.g. campfires, ceremonial fires, and barbecues), or small fires set for handwarming purposes, are allowable forms of open burning.

4. PENALTY

Violation of the provisions of subsection 1 and 2 shall constitute an infraction offense, and shall be punishable by a fine of \$50. A separate offense shall be deemed committed on each day during or on which a violation occurs.”

This ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

All provisions of the ordinances and Municipal Code of the City of St. Anthony which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

This amended Ordinance 2013-04 shall be in full force and effect 30 days after its passage and publication, all as provided by law.

PASSED this 14th day of November, 2013.

CITY OF ST. ANTHONY, IDAHO


NEILS THUESON, MAYOR

ATTEST:


PATTY PARKINSON, CITY CLERK

