

Chapter 8.04
BURNING PERMITS

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8.04.010 Burning permits required--Period established for burning and permit fee.

A. No person, firm, corporation or association shall open burn material, debris, junk, rubbish or other substance without having first obtained a burning permit from the town office. The fire code inspector or his designee may refuse to issue a burning permit, in his/her discretion, taking into consideration the materials burned, weather conditions and public safety. Materials to be burned under this ordinance may not be in piles any larger than four hundred cubic feet in size, larger piles will not be permitted by the town.

1. Where burning is permitted in the public way the permittee will be held responsible for clean up of the burn site to the satisfaction of the fire code inspector in that all large ash and cinders will be removed to a licensed class II landfill within ten days after the fire is out.

Failure to comply with this requirement will be a violation of this chapter.

2. Building contractors may obtain an annual permit for the burning of scrap material directly produced by the construction of homes or other buildings in the town.

To obtain a permit contractors will first be required to provide a copy of their air quality open burning permit; obtained from the Air Quality Division of the Montana Department of Environmental Quality, they will be then issued an annual permit by the town fire code inspector. Contractors will be required to notify the town police dispatch every day they burn giving the dispatcher the location of the day's fire. All other provisions of this chapter will apply to building contractors.

B. The time set aside for burning under the provisions of this chapter shall be from March 1st to August 31st. From September 1st to November 30th permits will be issued and burning allowed only after consultation with the Air Quality Division; contractors will be required to contact the Air Quality Division before burning during this time period. The fire code inspector, or his/her designee, shall have authority to order a permitted fire extinguished if he/she determines that such fire presents a danger to persons or property, or causes a smoke nuisance to persons or neighborhood. Upon such order by the fire code inspector or his/her designee, the permitted fire shall be immediately extinguished by the permittee or his/her agent.

C. The cost of burning permits issued by the town will be five dollars; twenty-five dollars for the contractor's annual license. Proceeds from the permits, less expenses, will be placed in the fire

fighter's training fund.

D. No fires or burns shall be permitted in any street or alley or be allowed to burn or smolder unattended. Fires that become a nuisance will be ordered extinguished. The following shall not be disposed of by any open burning. 1. Food wastes;

2. Styrofoam or other plastic or wastes generating noxious odors;
3. Whole structures, animal droppings, dead animals or dead animal parts;
4. Wood or wood by-products that have been coated, painted stained or contaminated by a foreign material;
5. Tires, rubber materials, asphalt shingles, tar paper, oil or petroleum products;
6. Automobile or aircraft bodies or interiors;
7. Medical or manufacturing trade waste, except as provided in subsection A of this section;
8. Chemicals, asbestos or asbestos-containing materials;
9. Green yard waste;
10. Any waste which is moved from the premises where it was generated;
11. Poultry litter;
12. Insulated wire;
13. Hazardous wastes.

E. Nothing in this chapter shall be construed so as to conflict with the Uniform Fire Code as adopted by the town. (Ord. 185, 1996; Ord. 182 (part), 1996)

8.04.020 Violation--Penalty.

Violation of this chapter is a municipal infraction subject to the provisions of Sections 7-1-4150 through 7-1-4152, MCA. Any person found guilty of a municipal infraction may also be charged all costs incurred by the town for fire suppression, with such recovered costs to be placed in the fire department fund, as well as costs incurred by the town to remedy violations of Section [8.04.010](#)(A)(1). (Ord. 207 §18, 2000; Ord. 182 (part), 1996)