

## CHAPTER 107

### OPEN BURNING

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**107.01 PURPOSE.** The purpose of this chapter is to reduce the danger to public health, safety and welfare caused by uncontrolled open burning of materials within the City limits.

**107.02 DEFINITIONS.** For the purpose of this chapter, these words shall have the following meanings:

1. "Combustible Material" is any material, other than "yard wastes" that will take fire and burn, including rubbish, trash, or discarded materials from commercial, industrial, domestic or agricultural operations, or other normal community activities.
2. "Landscape Waste" is yard waste and tree stumps produced in clearing, grubbing and construction operations on the property. No building materials, trade wastes, rubber tires, material left from demolition of any structure, landscape waste originating from a different location nor any other material may be mixed with the landscape waste.
3. "Person" includes any individual, firm, corporation, partnership, trust or any other organized group.
4. "Refuse" is generally construed to mean waste materials from normal household or living conditions and business operations, including, but not limited to wastes from the preparation, cooking and consumption of food (exclusive of dishwater and waste water), condemned food products, and all wastes from the handling, storage, preparation and sale of produce and meat, wood, chips, shavings, papers, paste board, rags, straw, worn out clothing, garden and lawn trash, glass, metals, bottles, cans, soil, gravel, manure, stones, brick, plaster, crockery, ashes, cinders, and other non-combustible materials. Refuse does not include factory waste or refuse from building construction or repair.
5. "Yard Wastes" means organic debris (such as grass clippings, leaves, tree limbs, bark, branches, or flowers) which is produced as a part of yard and garden development and maintenance.

**107.03 PROHIBITIONS.** No person shall allow, cause or permit open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack, except that the open burning of landscape waste, refuse, yard waste or any other combustible materials shall be allowed only as provided for in this chapter. Other than as specifically allowed in Chapter 107, open burning of yard waste, landscape waste, and refuse is prohibited at all times.

**107.04 EXEMPTIONS.**

1. Recreational Fires: Open fires for cooking, heating, camping, recreation or bonfires shall be permitted.
2. Burning by Government: Open burning of combustible materials by a governmental unit for public benefit shall be permitted when supervised by the Fire Department.
3. Government Burning Site: Open burning of designated yard waste and only those combustible materials in compliance with regulations established by the City Council and the State of Iowa is allowed at a burning site operated by the City.
4. Open burning of prairies, pastures, fields, yards and road ditches is allowed only at such locations and under such conditions as are approved in advance by the Fire Chief.
5. Training Fires: Fires set for the purpose of bona fide training of public or industrial employees in fire fighting methods are permitted, provided that when structures are to be utilized, the Department of Natural Resources of the State of Iowa has been notified in writing prior to the time when such action is to commence.
6. Debris from Damage to Trees Caused by a Storm Event: Trees, limbs, branches, and any leaves adhering to such material may be burned at any site approved by the City Administrator, or the City Administrator's designee, under the direction of the Fire Chief, during such times as the Mayor may declare a storm damage disposal emergency period. The site authorized and designated for such burning shall not be located in a residential area.

**107.05 GENERAL CONDITIONS FOR OPEN BURNING.**

1. Fire Chief's Authority: The Fire Chief may prohibit any or all open burning when atmospheric conditions or local circumstances make such fires hazardous or a nuisance.

2. Attendance of Open Fires: Open fires shall be constantly attended by an adult person until such fire is extinguished. The person attending to the fire shall have a hose connected to available water supply, or other fire-extinguishing equipment readily available for use.
3. Offensive Smoke and Odors: Upon receipt of a complaint regarding the smoke or odors from open fires, the fires shall be extinguished.
4. Hours: Open burning may only be performed between the hours of 6:00 a.m. and 8:00 p.m. All fires must be completely extinguished by 8:00 p.m., so that no burning embers remain or smoke or gas emit therefrom. These time restrictions shall not apply to open fires for cooking, heating, recreation or ceremonies.
5. Distance Restrictions: Open burning shall be at least 20 feet from any structure, except that barbecue grills and other outdoor cooking appliances may be used within 20 feet of a structure.

#### **107.06 LIMITATIONS ON OPEN BURNING.**

1. Open burning of combustible materials shall not cause a nuisance as defined in Chapter 445B of the Iowa Code.
2. Open burning of combustible materials shall not cause a nuisance as defined in Chapter 50 of the Code of Ordinances of the City of Sergeant Bluff, Iowa.
3. Open burning of combustible materials shall not be conducted on City streets, curbs, gutters or alleys,
4. Open burning of combustible materials shall not take place so close to buildings or structures so as to constitute a danger to any such building or structures.
5. Open burning of combustible materials shall not be conducted when weather conditions, including wind or drought, constitute a risk that fire may spread out of control.

**107.07 AUTHORITY TO EXTINGUISH.** The City of Sergeant Bluff through its Public Works Department, Fire Department, or Police Department is authorized to prohibit or immediately extinguish any open burning occurring within the City that is deemed by City Officials to violate the prohibitions of this chapter or to constitute an emergency or a danger to the safety of persons or property within the City.

**107.08 PENALTY.** An property owner found to be in violation of the requirements of this Chapter shall be guilty of a simple misdemeanor and, upon

conviction, be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment not to exceed thirty days.

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