

## ORDINANCE NO. 303

AN ORDINANCE AMENDING TITLE III COMMUNITY PROTECTION, CHAPTER 9 OPEN BURNING.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NORWAY, IOWA:

Section 1. ORDINANCE 303 COMMUNITY PROTECTION is hereby amended by repealing ORDINANCE 248 CHAPTER 9 OPEN BURNING, and adopting the following in lieu thereof, to wit:

- |                               |                                   |
|-------------------------------|-----------------------------------|
| 9-1-1 Open burning restricted | 9-1-3 Exemptions                  |
| 9-1-2 Open burning permitted  | 9-1-4 Violations of the ordinance |

9-1-1 OPEN BURNING RESTRICTED. No person shall ignite, cause to be ignited, permit to be ignited, or suffer, allow, or maintain any open burning, including the burning of household rubbish, recyclables and the burning of solid waste in a burn barrel, except as follows:

9-1-2 OPEN BURNING PERMITTED.

Open burning of leaves shall be permitted on Saturdays between 10 a.m. and 5 p.m., November 1 through November 30, unless superseded by a higher authority, providing the following conditions are met and maintained: A permit is not required for leaf burning. All other yard waste must be transported to city yard waste site on South Street.

Leaves as defined: Leaves and twigs smaller than one inch in diameter and two feet in length, providing these fires comply with the Norway Code of Ordinances and all sections of this ordinance.

1. Unless otherwise approved, burning shall be conducted during the hours of 10 a.m. and 5 p.m.
2. Burning is conducted in a safe and reasonable manner so as not to endanger life or property. No fire may be kindled when wind velocity exceeds fifteen (15) miles per hour.
3. Burning material shall be constantly attended by a person familiar with the open burning regulations with appropriate fire-extinguishing equipment readily available.
4. Fires shall only be conducted within the boundaries of the burning party's private property. Burning is not permitted in any City Right-of-Ways, which include streets, ditches, easements and alleys.
5. Fires for the disposal of leaves as defined above, but no household rubbish, rubber, asphaltic compounds, or garbage at dwellings of four family units or less, in which fires are maintained by the occupant of the dwelling and the burning is conducted in an approved manner. No

leaves will be allowed to be blown onto City Streets by a property owner or tenant. If leaves are blown onto streets in any manner other than by Mother Nature and removal is necessary by the City the property owner or tenant will be responsible for the cost of removal.

9-1-3 EXEMPTIONS. The following types of open burning are exempt:

1. Outdoor Cooking Fires.

Outdoor cooking fires as defined: The burning of materials where fuel being burned is contained in manufactured outdoor fireplaces or grills used for food preparation and in accordance with this section.

A permit is not required for outdoor cooking fires.

Outdoor cooking fires shall be conducted within safe distances from buildings, structures and combustible materials. Fuel shall be limited to clean lumber, logs, propane, natural gas or charcoal.

2. Recreational Fires.

Only allowed during the hours of 11 a.m. – 1 a.m.

Must be 15ft away from any structure.

Recreational fires shall be limited to manufactured fire pits above or below ground, protected by metal, stone or concrete.

Fires shall be limited to 2 feet or less in diameter and 2 feet or less in height.

All openings shall be covered by a protective mesh screen with a maximum grid size of ½ inch.

No construction or demolition waste shall be burned.

Fuel shall be limited to clean lumber and logs only.

Open burning of the following types may be allowed with Council approval and required permit:

- a. Dangerous Materials. Fires for the disposal of dangerous materials or for the prevention of a fire hazard when other alternative methods of disposal are not available or are deemed impractical.
- b. Training Fires. Fires set for the purpose of bona-fide instruction and training of public and/or industrial employees in the methods of fire fighting. These fires shall not contain any asphaltic or asbestos materials. However, the fire department may conduct two (2) training fires per calendar year which allow asphalt type roofing, provided these fires follow the State of Iowa DNR requirements for such, and are determined reasonable and practical when consideration is given to such factors as cost, safety, air quality of the vicinity and effects to the local environment.
- c. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists.

- d. Flare Stacks. The open burning or flaring of waste gases, providing such open burning or flaring is conducted in compliance with the Norway Code of Ordinances and all sections of this ordinance.
- e. Ceremonial Burning. Fires for ceremonial/recreational purposes such as American Legion flag burning, pep rallies, religious ceremonies, etc. These fires must be under the legitimate sponsorship of a bon-fide civic, fraternal, religious, educational, or similar organization and must comply with the Norway Code of Ordinances and with all sections of the ordinance.
- f. Other Burning. Other open burning such as, but not limited to native prairie management, may be allowed on a case by case basis provided that the burning will not adversely effect the air quality or will not violate any sections of this ordinance and is reasonable and practical as compared to other alternatives available.

9-1-4 VIOLATIONS OF THIS ORDINANCE. An official of the City is authorized to require that open fires be immediately discontinued if it is determined that smoke emissions are offensive to occupants of surrounding property or if the open burning is determined to constitute a hazardous condition. This provision shall not limit the City from seeking penalties provided for in this ordinance.

Section 2. If any section, provision, or part of this ordinance is adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged to be invalid or unconstitutional.

Section 3. This ordinance shall be in full force and effect from and after publication as required by law.

Passed by the City Council of Norway, Iowa, on this 8<sup>th</sup> day of October, 2108 as provided by law.

City of Norway, Iowa

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Martin Schulte, Mayor

Attest:

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Wendy Erger, City Clerk