

ORDINANCE NO. 248

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 248 COMMUNITY PROTECTION is hereby amended by repealing 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 and the burning of solid waste in a burn barrel, except as follows:

1. Open burning of the following types may be allowed:
 - 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. Landscape Wastes. Fires set for the disposal of landscape wastes including grass, leaves, weeds, trees, tree limbs, natural growth for land clearing, agricultural wastes, etc., between October 15 and December 1 each year, providing these fires comply with the Norway Code of Ordinances and all sections of this ordinance. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas

located at least on-fourth (1/4) mile from any building inhabited by other than the landowner or tenant conduction the open burning. Rubber tires shall not be used to ignite landscape waste.

- f. 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.
- g. 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.

9-1-2 OPEN BURNING PERMITTED. Open burning shall be permitted in the fall of each year between the dates of October 15th and December 1st , unless superseded by a higher authority, providing the following conditions are met and maintained:

- 1. Unless otherwise approved, burning shall be conducted during the hours of one half hour after sunrise until one half hour before sunset.
- 2. Burning is conducted in a safe and reasonable manner so as not to endanger life or property.
- 3. Fires must be attended at all times.
- 4. Fires for the disposal of grass and leaves, 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.
 - a) APPROVED CONTAINERS: An approved container shall be any container whose capacity does not exceed three bushels in volume and has a one inch spaced wire or other suitable spark arresting device for the control of wind blown materials.
 - b) DITCHES: Burning may be conducted in ditches providing that a distance of at least 5 foot is maintained from any culvert. If a culvert is damaged due to burning the City will replace the culvert at property owner or tenants expense.

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

1. Open burning used solely for the purpose of cooking or barbecuing food. Open burning for recreational purposes. These fires must be no larger than two (2) feet in diameter.

9-1-4 VIOLATIONS OF THIS ORDINANCE. Any fire in violation of this ordinance may be ordered extinguished by the City. 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 the 20th day of October, 2008.

Passed by the City Council of Norway, Iowa, on the 20th day of October, 2008 as provided by law.