

## TITLE V PUBLIC ORDER, SAFETY, AND HEALTH

### CHAPTER 11 OPEN BURNING

5-11-1	Purpose	5-11-4	General Conditions for Open
5-11-2	Permissible Open Burning		Burning
5-11-3	Notification	5-11-5	Penalties
		5-11-6	Applicability

5-11-1 PURPOSE. The purpose of this Ordinance is to provide Clinton County fire departments notice of open burning to better use fire equipment and volunteer's time. While this Ordinance requires persons to notify Clinton County Communication Center prior to an open burn, this Ordinance is not intended to and does not relieve the persons who open burn of their obligations, liabilities and responsibilities regarding their actions and the consequences of their own open burn.

Open burning carries with it certain inherent risks that are solely the responsibility of the person conducting the open burn. This Ordinance and its notification requirements are not intended to relieve that person from his/her responsibilities, nor place any liability on Clinton County Communication Center or the local fire department.

It is further the intent of this Ordinance that after Clinton County Communication Center receives notification of an open burn, it will relay that information to the respective Clinton County fire departments to report the date, time and location of the open burn, along with the name of the person open burning and their telephone/cell phone number. Clinton County Communication Center is not in a position to approve or disapprove any open burning.

5-11-2 PERMISSIBLE OPEN BURNING. This Ordinance prohibits all persons from conducting or permitting open burning on public property without prior authorization of the public entity responsible for its control and care.

This Ordinance adopts current and any future updated Iowa Administrative Codes rules regarding open burning, as contained in 567-23.2 "Open Burning".

5-11-3 NOTIFICATION. No person shall burn "disaster rubbish", "trees and tree trimmings", "landscape waste", and "agricultural structures", as defined in the Iowa Administrative Code 567-23.2, without first notifying the Clinton County Communications Center of the name of the person responsible for the burn, that person's telephone and/or cell phone number, the specific location of the open burn, and the date and time of the open burn for these types of waste.

No person shall burn prairies, pastures, fields, yards, or road ditches without first notifying the Clinton County Communication Center of the name of the person responsible for the burn, that person's telephone and/or cell phone number, the specific location of the burn and date and time of such open burn.

Notification, pursuant to this Ordinance, is not required for the burning of “paper or plastic pesticide containers and seed bags”, as defined by Iowa Administrative Code 567-23.2; nor does this Ordinance require notification for any other type of open burning unless specifically addressed in this Section of the Ordinance. [Please note that federal and state notification requirements still remain in effect, for example, State of Iowa notification requirements exist for training fires.]

5-11-4 GENERAL CONDITIONS FOR OPEN BURNING. The city or township fire department may prohibit any or all open burning when the city or township fire department determine atmospheric conditions or local circumstances make such fire hazardous or a nuisance.

All open burn fires must also be conducted in accordance with all Federal and State of Iowa regulations regarding the use of fire.

Attendance of Open Fires. Open fires shall be attended by an adult person until such fire is extinguished; or in a manner approved by the city or township fire department.

This Ordinance shall not interfere with the open burning provisions contained within Iowa Code Section 100.40 and 100.41.

5-11-5 PENALTIES. Any person violating this Ordinance shall be guilty of a simple misdemeanor punishable by a fine of up to \$500.00 and/or thirty (30) days in jail per occurrence. Furthermore, that person is subject to pay restitution to any responding fire department for any and all costs incurred by it for each unlawful burn in violation of this Ordinance.

5-11-6 APPLICABILITY This Ordinance shall apply to all unincorporated lands and incorporated areas without open burning ordinances that lie within the boundaries of Clinton, County, Iowa.