

CHAPTER 106

OPEN BURNING

106.01 Definitions	106.07 Open Burning of Disaster Rubbish
106.02 Construction	106.08 Publicly Conducted Burning
106.03 Fires and Burning Generally Prohibited	106.09 Permit
106.04 Recreational Fires	106.10 Moratorium
106.05 Certain Fires Permitted	106.11 Variance
106.06 Training Fires	

106.01 DEFINITIONS. For the purposes of the chapter, the following definitions shall apply in this chapter and Chapter 105:

1. “Darkness” commences when the photoelectric controlled street lights in the City are turned on.
2. “Landscape waste” means any vegetable or plant wastes except refuse. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.
3. “Potential fire hazard” includes any potential fuel for fire, including but not limited to a tree, brush or tall grass, and any other hazards, including but not limited to fuel containers or gas vents.
4. “Solid waste” has the same meaning as in Section 105.02(9).
5. “Yard waste” has the same meaning as in Section 105.02(10).
6. “Yard waste container” has the same meaning as in Section 105.02(12).

106.02 CONSTRUCTION. Nothing in this chapter shall be construed to preempt any law governing nuisances, waste disposal or other law, or to create or destroy any legal liability arising because of a fire. The obligations and privileges of the City and of the Asbury Community Fire Department under this chapter are solely for the benefit of the public interest and not for the benefit of any particular citizen or class of citizens.

106.03 FIRES AND BURNING GENERALLY PROHIBITED. No person shall start or maintain any fire or burning of any nature within the City of Asbury except to the extent permitted by or pursuant to this chapter. Violation is a municipal infraction punishable under Chapter 3 of this Code of Ordinances.

106.04 RECREATIONAL FIRES. Open fires for cooking, heating, recreation and ceremonies are permitted, if supervised by a competent person at

least 18 years of age, provided they comply with the limits for emission of visible air contaminants established by the Iowa Department of Natural Resources. Only trees are allowed to be burned in recreational fires.

106.05 CERTAIN FIRES PERMITTED. Certain fires within a furnace, boiler, fireplace, barbecue, or other beneficial device designed to contain and operate with such fires are permitted. Industrial or commercial fires conducted within enclosed facilities or otherwise operated in compliance with State and federal law are permitted.

106.06 TRAINING FIRES. Fires set for the purpose of bona fide training of public or industrial employees in fire fighting methods are permitted, provided that the training fires are conducted in compliance with rules established by the State Department of Natural Resources.

106.07 OPEN BURNING OF DISASTER RUBBISH. No person shall allow, cause or permit open burning of combustible materials, except that the following is permitted: the open burning of rubbish, including landscape waste, for the duration of a community disaster period in cases where an officially declared emergency condition exists, and within the guidelines specified therefor.

106.08 PUBLICLY CONDUCTED BURNING. Solid waste, yard waste and landscape waste may be burned in any incinerator operated by or on behalf of the City for such purpose, subject to the rules governing the operation of the incinerator, or under the direction of the Asbury Community Fire Department, and in compliance with the rules established by the State Department of Natural Resources.

106.09 PERMIT. The City may, in its discretion, authorize a fire under the following circumstances:

1. Application. A person desiring to conduct a fire for clearing of land, disposal of landscape waste, or purpose not otherwise expressly permitted by this chapter, shall file a permit application with the City. The permit application shall state the name of the property owner and person responsible for the open burning, address of burn, contact information, describe the size, number, time, place and manner in which the fire will be conducted, including but not limited to supervision, safety precautions, and protection of neighboring property from fire, smoke and other associated problems. The application shall also include information concerning the applicant's responsibility and liability insurance coverage, covering said fire. The application shall include or be accompanied by the express written permission of all owners and

lawful occupants of all private property upon which the fire will be conducted.

2. Investigation. The City may investigate and may also refer the matter to the Asbury Community Fire Department for investigation. The applicant shall permit or arrange for reasonable access to the site for such investigation.

3. Permit. The City may within five (5) working days deny a permit or may direct that a permit be issued upon such terms and conditions as the City may deem reasonable and appropriate under the circumstances.

4. Compliance. The City and the Asbury Fire Department may each monitor compliance with the permit. The City or the Asbury Fire Department may suspend or revoke a permit immediately for any just cause, or the appearance of any just cause. Upon suspension or revocation, any fire shall be extinguished immediately.

106.10 MORATORIUM. Notwithstanding any other provisions of this chapter, the Mayor or City Council may declare a moratorium on fires, in general or limited to specific kinds of fires, other than within an enclosed building, during time when conditions substantially increase the risk of spreading fire.

106.11 VARIANCE. Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Director of the State Department of Natural Resources.

(IAC, 567-23.2[2])

(Ch. 106 – Ord. 3-2021 – Jul. 21 Supp.)