

GARBAGE AND SOLID WASTE

CHAPTER 105 SOLID WASTE CONTROL

105.05 OPEN BURNING.

1. Prohibited. It is unlawful for any person to allow, cause or permit the open burning of any paper, cardboard, cartons, furniture, waste, garbage, tires or any other non-organic material within the City.
2. Restricted. It is unlawful for any person to allow, cause or permit the open burning of any leaves, grass clippings, pine needles, garden waste and other similar organic material within the City except for the open burning of brush, sticks, branches, trees, and shrubs (but no garden waste) on single-family and two-family residential properties provided such burning is conducted in accordance with the following:
 - A. The burning shall not be closer than fifty feet to an adjoining or neighboring residential dwelling.
 - B. No burning is allowed in the public right-of-way or in any public easement area.
 - C. The property owner/tenant must be present at all times during the burning.
3. Exemptions. The provisions of this section do not apply to the following:
 - A. The burning of untreated wood or charcoal in outdoor grills, fireplaces and chimneys for the preparation of food or for social activities. It is unlawful to use such devices to burn any other type of material.
 - B. The controlled burning of untreated wood or coal for enjoyment of fraternal, religious, educational or other similar organizations when application for exemption is made upon forms approved by the City Administrator and approved by the Council.
 - C. The disposal by open burning of waste occurring as a result of a severe storm or other community disaster declared to be an emergency by resolution of the Council. The type of waste, the manner in which it shall be burned and the period of time for such burning shall be specified in the resolution.
 - D. Prairie maintenance (reestablishment and creation) and agricultural field maintenance, provided such burning is conducted in accordance with the rules, regulations and public notification requirements established by Polk County. The City and Johnston Fire District shall be provided a copy of the approved Polk County permit prior to the burning, if a permit is required.
 - E. Incinerators authorized by the Polk County Board of Health and complying with the Board's rules and regulations.
4. Other. No person shall allow, cause or permit any other type of open burning except as provided by the Polk County rules and regulations.