

# Polk County Board of Health Rules and Regulations - Chapter V, Air Pollution

## 5-2. DEFINITIONS

"Fireplace", for the purpose of Article III, Section 5-7, means a structure, with an open recess at the base or a chimney or stack, with a grate for food preparation and provisions for under-fire air, for holding an outdoor fire off the ground.

"Grill", for the purpose of Article III, Section 5-7, means a cooking utensil with a grate for food preparation and provisions for under-fire air, for holding an outdoor fire off the ground.

## 5-7. OPEN BURNING PROHIBITED.

It shall be unlawful for any person to open burn or to permit open burning of any refuse, rubbish, or garbage within Polk County.

It shall be unlawful for any person to open burn or to permit open burning of any landscape waste within Polk County from any industrial source, commercial source, or multiple dwelling containing two or more apartment units.

It shall be unlawful for any person to open burn or to permit open burning of any refuse, rubbish, garbage, landscape waste or other combustible material within the cities of Des Moines, West Des Moines, Clive, Windsor Heights, Urbandale, and Pleasant Hill from any source from and after September 21, 1983.

In all other areas of Polk County, it shall be unlawful to open burn or permit open burning of any refuse, rubbish, garbage, landscape waste, or other combustible material, except that, unless prohibited by local ordinance, on any land site where the land use is for single-family dwelling or agricultural operations, open burning may be used to dispose of landscape waste originating on or growing on the same site.

This section shall not apply to outdoor fireplaces or grills burning untreated wood or charcoal, used solely for the non-commercial preparation of food. Such outdoor fireplaces or grills shall not be used for the burning of refuse, rubbish, or garbage.

Upon receipt of a written request, the health officer is authorized to issue a permit for an open fire for the following purposes. Such permit may contain conditions and is subject to the provisions set forth in this chapter.

- (1) 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.
- (2) Tree and tree trimmings. The open burning of trees and tree trimmings not originating on the premises provided that the burning site is operated by a local governmental entity, the burning site is fenced and access is controlled, burning is conducted on a regularly scheduled basis and is supervised at all times, burning is conducted only when weather conditions are favorable with respect to surrounding property, and the burning site is limited to areas at least one-quarter mile from any inhabited building. However, when the open

burning of trees and tree trimmings causes air pollution as defined in section 455B.131(3) Code of Iowa, the Health Officer may take appropriate action to secure relocation of the burning operation. Rubber tires shall not be used to ignite trees and tree trimmings.

- (3) Flare stacks. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with Article IV.
- (4) Landscape waste. The disposal by open burning of landscape waste originating on or growing on the same land site only where permitted in this section. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth mile from any building inhabited by other than the landowner or tenant conducting the open burning. Rubber tires shall not be used to ignite landscape waste.
- (5) Training fires. Fires set for the purpose of a bonafide training of public or industrial employees in fire fighting methods, provided the health officer receives a written request at least one week before such action commences. All Exterior Asphalt - containing materials such as roofing and siding shall be removed prior to the training fire. Each fire department shall be allowed to host two training fires per year with asphalt material provided testing results are submitted to the health officer indicating that the asphalt material does not contain asbestos. All asbestos-containing materials shall be removed prior to the training fire. Asbestos removal is to be performed in accordance with the requirements contained in 40 CFR Part 61 Subpart M (Sections 61.145 and 61.150).
- (6) Paper or plastic pesticide containers and seed corn bags. Open burning as specified in Chapter 567-23.2(3)h(455B) only where permitted by this section.
- (7) For public gatherings under the legitimate sponsorship of civic fraternal, religious, education or similar organization.
- (8) Crews operating under the authority of any political subdivision, only where permitted by this section.
- (9) Prairie re-establishment and maintenance at sites which are publicly owned or normally open to the general public.

Authorization to permit an open fire will not be granted by the health officer when such conditions arise that would deem such fires to be a safety hazard.

Permit fees may be established by resolution of the Polk County Board of Supervisors.