

**105.05 OPEN BURNING RESTRICTED.** No person shall allow, cause or permit open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack without first obtaining a permit and conducting such burning in accordance with the *International Fire Code*. This section applies to the burning of yard waste that has been removed from and grown on the property. Yard waste is defined as grass clippings, leaves, garden waste, pruning, weeds and brush and tree branches. Any official ban on burning issued by the Fire Chief or by Polk County shall supersede this provision. The following open burning shall be allowed subject to any adopted policy of the City Council:

1. Burning of landscape waste, prairie grass or other waste within an agricultural zone, or within other areas with unusual circumstances to be determined at the discretion of the Fire Chief, provided that a permit has been approved by the Fire Chief. Burning is not allowed within 250 feet of a residential structure. Burning is subject to all policies established by the City Council. *(Ord. 2010-500- March 2010 Supp.)*

2. Burning of recreational fires within a fire pit or other protective structure.

3. In the event of a natural disaster, burning as approved by the Fire Chief.

4. The Fire Chief is further authorized to permit an open fire for the following purposes and subject to the provisions set forth in this subsection:

A. City crews operating under the authority of the department of public services.

B. The instruction of public employees in methods of fighting fires.

C. On private property used for industrial purposes for the instruction of employees in the methods of fighting fires.

D. For public gatherings under the legitimate sponsorship of civic, fraternal, religious, educational or similar organizations.

E. Fires set for the purpose of a bonafide training of public or industrial employees in fire fighting methods, provided the Fire Chief received a written request at least one week before such action commences and is in compliance with the rules established by the State Department of Natural Resources (DNR).

*(Ord. 2007-900 – Dec. 07 Supp.)*

5. All permits for an open fire shall be filed with the Fire Chief two weeks prior to the planned date of the fire.

*(Ord. 2007-2300 – Dec. 07 Supp.)*

6. Any person who commits an act prohibited by Section 105.05 shall be guilty of a misdemeanor punishable by fine as provided in Section 1.14 of this Code or shall be deemed to have committed a municipal infraction punishable by a civil penalty as provided in Chapter 3 of this Code. The first offense within a calendar year shall be deemed the first offense punishable by a civil penalty not to exceed \$50. The second and each subsequent offense within a calendar year shall be a repeat offense, punishable by a civil penalty not to exceed \$100. The fire chief or his or her designated representative or any police officer is authorized to issue a civil citation to anyone violating this Section indicating such person is in violation of this Section and is subject to the penalties provided for in this Section. *(Ord. 2010-500 – March 2010 Supp.)*