

Open Burn Regulation Summary –  
(a) Prohibition, (b) Permits, (c) Exemptions & (d) Variances  
(Effective August 5<sup>th</sup>, 2013)

**5-7. Open Burning Prohibited.**

(a) Prohibition.

No person shall allow, cause or permit open burning of combustible materials within Polk County except as provided in 5.7(1-9).

For purposes of this Section, a person shall be deemed to have permitted the open burning if that person permits the setting or use of open burning for the disposal of refuse, rubbish, garbage or other combustible material under his control, on land under his control, or by employees or other persons under his control.

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.

(b) Burn Permits.

Upon receipt of a written request on a form provided by the Local Program, 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. Burning any structures or demolished structures shall be conducted in accordance with 40 CFR Section 61.145 amended through January 16, 1991 as adopted in 567 IAC Chapter 23, which is the "Standard for Demolition and Renovation" of the asbestos National Emission Standard for Hazardous Air Pollutants.
- (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,

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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.  
For purposes of this section, a “training fire” is a fire set for the purposes of conducting bona fide training of public or industrial employees in firefighting methods. For purposes of this paragraph, “bona fide training” means training that is conducted according to the National Fire Protection Association 1403 Standard of Live Fire Training Evolutions (2002 Edition) or a comparable training fire standard. A training fire may be conducted, provided that all of the following conditions are met:
  - (a) A training fire on a building is conducted with the building structurally intact.
  - (b) The training fire does not include the controlled burn of a demolished building.
  - (c) If the training fire is to be conducted on a building, written notification must be provided to the Local Program and Iowa Department of Natural Resources (IDNR) on DNR Form 542-8010 and is postmarked or delivered to the Local Program at least ten working days before such action commences.
  - (d) Notification shall be made to the Local Program and IDNR in accordance with 40 CFR Section 61.145, “Standard for Demolition and Renovation” of the asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP), as amended through January 16, 1991.
  - (e) All asbestos-containing materials shall be removed prior to the training fire.
  - (f) Asphalt roofing may be burned in the training fire only if notification to the Local Program contains testing results indicating that none of the layers of asphalt roofing contain asbestos. During each calendar year, each fire department may conduct no more than two training fires on buildings where asphalt roofing has not been removed, provided that for each of those training

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fires the asphalt roofing material present has been tested to ensure that it does not contain asbestos.

(h) Rubber tires shall not be burned during a training fire.

- (6) Paper or plastic pesticide containers and seed corn bags. Open burning as specified in Chapter 567 IAC 23.2(3)"h" 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.

(c) Exemptions.

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

2. Outdoor patio heaters. This section shall not apply to outdoor patio heaters burning only natural gas, propane, or alcohol. Such outdoor patio heaters shall not be used for the burning of wood, refuse, rubbish, vegetative matter or garbage.

3. Recreational bonfires, fireplaces and grills. Open fires burning charcoal or untreated seasoned wood for cooking, recreation and ceremonies located within a geographic area designated as a neighborhood, community, county or state park; unless prohibited by local authority, ordinance or regulation, provided they comply with Article IV, Section 5-9. Such fires shall not be used for the burning of refuse, rubbish, or garbage

(d) Variance application.

1. Any person wishing to conduct open burning of materials prohibited in section 5-7 (a), meeting the permit requirements in section 5-7 (b) or not exempted in section 5-7 (c) may make application for a variance as specified in section 5-59.

2. In addition to requiring the information specified in section 5-59, the health officer may require any person applying for a variance from the open burning rules to submit adequate documentation to allow the health officer to assess whether granting the variance will hinder attainment or maintenance of a National Ambient Air Quality Standard (NAAQS).