

ORDINANCE NO. 102

ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE
CITY OF HARTFORD, IOWA, REGARDING OPEN BURNING

BE IT ENACTED by the City Council of the City of Hartford, Iowa:

Section 1. Chapter 105 Section 05 of the Code of Ordinances of the City of Hartford, Iowa is repealed and the following adopted in lieu thereof:

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, except that open burning is permitted in the following circumstances:

1.

- A. 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.
- B. Burning of Natural Vegetation. Fires must be of natural vegetation originating on the premises inclusive of tree/shrub/bush cuttings, grass clippings, cut or split wood logs, cut limbs, branches and charcoal.
- C. Landscape Waste. The disposal by open burning of landscape waste originating on the premises. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one fourth (1/4) 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.
- D. Recreational Fires. Open fires for cooking, heating, recreation and ceremonies must originate and be contained in a fire pit/ring. Recreational fires must be extinguished by 12:00 A.M.
- E. Training Fires. Fires set for the purpose of bona fide training of public or industrial employees in firefighting methods, provided that written notification is delivered to the Mayor at least ten (10) working days before such action commences and fires are conducted in compliance with rules established by the State Department of Natural Resources and/or local Fire Chief.
- F. Open Burning Regulations –
 - 1. Fires may not be within ten (10) feet or reasonable safe distance of structures, vehicles and/or combustible materials.
 - 2. Open burning is not allowed in public or private streets, alleys, driveways or ditches.
 - 3. Fires may not be within twenty (20) feet of flammable ignition materials i.e. gasoline, kerosene, diesel fuels, propane cylinders etc.
 - 4. Construction materials inclusive of dimensional woods, tar papers, asphalt shingles and roofing materials are prohibited from open burning.
 - 5. Open burning is not allowed under existing vegetation, power and/or communication lines and overhead light poles.
 - 6. Fires may not be in excess of 10'x10' without prior written authorization of the local Fire/Rescue Chief.
 - 7. Fires cannot be a disturbance and/or nuisance to neighbors or adjacent residents or be conducted in an unsafe manner at the discretion of local fire personnel/officers.

8. No person shall allow any open burning permitted by this section to occur between the hours of nine o'clock (9:00) P.M. and six o'clock (6:00) A.M. and no person shall allow any fire to be left unattended any time during duration of the open burning event.
9. Open burning is not allowed within the corporate city limits when burning bans are implemented by State/County or local officials.
10. The Fire Chief and/or authorized city personnel may enforce the provisions of this ordinance.

2. Violations of this subsection may be charged as follows –
 - 1st Offense, Extinguish fire with written warning or \$50.00 fine/citation
 - 2nd Offense, Extinguish fire with \$100.00 fine/citation
 - 3rd Offense, Extinguish fire with \$200.00 fine/citation

Section 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. SEVERABILITY CLAUSE. If any section, provision or part of this Ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudicated invalid or unconstitutional.

Section 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED by the City Council of Hartford, IA. this ____ day of February 2016, and APPROVED this ____ day of February 2016.

Michael Rodman, MAYOR

ATTEST:

Brad Herrold, CITY CLERK

1st Reading January 19, 2016
2nd & 3rd Readings February 16, 2016