

ORDINANCE NO. 19-12

AN ORDINANCE CREATING A NEW CHAPTER (CHAPTER 53) OF THE NORWALK MUNICIPAL CODE FOR OPEN BURNING REGULATIONS WITHIN THE CITY OF NORWALK, IOWA

Sections:

- Section 1. Purpose
- Section 2. Definition of Terms
- Section 3. Open Burning Prohibited
- Section 4. Control of Fire
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Section 1. Purpose. The purpose of this ordinance is to create a new chapter (chapter 53) of the Norwalk Municipal Code for open burning regulations within the City of Norwalk, Iowa.

Section 2. Definition of Terms.

A. Open Burning. Any burning of combustible materials wherein the products of combustion are emitted into the open air without passing through a chimney or stack.

B. Recreational Fires. Open flames for cooking, heating, recreation and ceremonies, providing visible emissions.

Section 3. Open Burning Prohibited. No person shall allow, cause or permit within the City the open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack. This prohibition shall include, but not be limited to, the kindling of or maintaining any bonfire or refuse fire, burning inorganic material or any paper or similar combustible debris, including plants, leaves or vegetable matter, or authorizing any such fire to be kindled or maintained on any private land within the boundaries of the City except that open burning is permitted in the following circumstances:

A. Fireplaces and Grills. This ordinance shall not apply to indoor or outdoor fireplaces or barbecue grills used solely for entertainment purposes or the preparation of food for human consumption.

B. Organic Fires on Agricultural Land. Organic fires located on agricultural land within the City. Organic fires, as referred to in this section, means the burning of organic non-crop plant material, other than grass, grown on and/or collected from the parcel upon which the fire is located. Such fires shall not be located within ¼ mile of an occupied structure. Agricultural land, as used herein, means land used for the cultivation of land for production of agricultural crops, the raising of poultry, the production of eggs, the production of milk, the production of fruit or other horticultural crops, and the grazing of production of livestock.

C. Recreational Fires. This ordinance shall not apply to recreational fires when all of the following conditions are met:

1. The fire must be used for cooking, heating, recreation or ceremonies.
2. The fire must be contained within a fire ring or a device sold commercially for the specific purpose of containing a recreational fire.
3. Fuel for a recreational fire shall consist of wood only (including commercially sold recreational fire logs) and shall be two inches in diameter or larger. This requirement shall not apply to twigs and other kindling reasonably necessary for the initial lighting of the fire.
4. Fuel shall be no longer than three (3) feet in length.
5. Fuel within the acceptable fire ring shall not set higher than three (3) feet above the base of the fire.
6. Recreational fires shall not be used for disposal of yard waste, leaves and/or twigs.

A fire ring is a continuous ring made of stone, brick, rock, metal or other non-combustible material not more than five (5) feet in diameter, which is designed to contain a recreational fire and impeded the spread of fire beyond the ring.

D. Bonfires. A bonfire is any fire that does not meet the definition and requirements of a recreational fire. A person may kindle or maintain a bonfire or authorize such fire to be kindled or maintained, if such person first obtains a permit or authorization from the Fire Chief, and the following conditions are met:

1. Such person is an authorized City employee operating under the authority of the City to conduct such a fire; and/or

2. The purpose of the fire is the instruction of public employees in the methods of fire fighting; and/or
3. The purpose of the fire is for public gatherings under legitimate sponsorship of civic, fraternal, religious, education, or similar organization.
4. Only organic materials are used, proper safety precautions are used, and the fire is well controlled.

E. Emergency Events. This Ordinance shall not apply during times declared as an emergency situation by the Mayor. Such emergency situations can include, but not be limited to, times when extraordinary weather events cause excessive amounts of yard waste.

Section 4. Control of Fire. All fires permitted under this ordinance shall be constantly attended and controlled by a competent person or persons until such fire is entirely extinguished and no such fire shall be started within then (10) feet of any combustible wall, fence, building, or structure.

Section 5. Burn Bans. All fires permitted under this section shall be prohibited during County or local burn bans.

Section 6. Penalty. Any person, firm, property owner, corporation or other entity violating any provisions of this ordinance shall be guilty of a simple misdemeanor and upon conviction thereof, shall be punished by a fine of \$100.00.

Section 7. Nuisance. Any fire or condition which fails to comply with this Ordinance is hereby declared a nuisance.

Section 8. Repealer. Any ordinance or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 9. Severability Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 10. Effective Date. This ordinance shall be in full force and effect upon final passage, approval and publication as required by law.

Passed and approved by the City Council of the City of Norwalk, Iowa on the 20th day of June, 2019.

Tom Phillips, Mayor

Attest:

Lindsey Offenburger, City Clerk

First Reading: June 6, 2019

Second Reading: June 20, 2019

Third Reading: June 20, 2019

Clerk's Certificate

I certify that the foregoing was published as Ordinance No. 19-12 on the 4th day of July, 2019.

City Clerk