



## ARTICLE III. OPEN BURNING



### MARSHALLTOWN CITY CODE 2008 RECODIFICATION INCLUDING AUGUST 2010 SUPPLEMENT

#### **Sec. 12-77. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Backyard.* Backyard means any area as defined under the Marshalltown Zoning Ordinance.

*Backyard burning.* Backyard burning means the burning of natural vegetation origination on the premises and burnt by individuals domiciled on or owning the premises. Natural vegetation includes, but is not limited to leaves, grass, small branches, flower remains and trimmings.

*Garbage.* Garbage means all solid and semi-solid putrescible and nonputrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing and serving of food or of material intended for use as food.

*Open burning.* Open burning means any burning of combustible materials wherein the products of combustion are emitted into the open air without the use of a free standing incinerator as defined by the International Fire Code as adopted by the City of Marshalltown.

*Recreational Fire.* Recreational Fire means an outdoor fire burning seasoned hardwood contained in appliances specifically designed for this purpose, and has a total fuel area of three (3) feet or less in diameter and two (2) feet or less in height for pleasure, religious, ceremonial, cooking, warmth, or similar purposes.

*Rubbish.* Rubbish means all waste materials of nonputrescible nature.  
(Ord. No. 14825, 2-11-2008)

#### **Sec. 12-78. Burning of garbage prohibited.**

No person, firm or corporation shall dispose of garbage at any time by burning same.  
(Ord. No. 14825, 2-11-2008)

#### **Sec. 12-79. Burning of Rubbish Prohibited with Exceptions.**

It shall be unlawful for any person, firm or corporation to do open burning of rubbish except upon written permission of the Fire Chief or Fire Marshal.  
(Ord. No. 14825, 2-11-2008)

### **Sec. 12-80. Burning of Diseased Trees.**

Diseased trees may be burned in areas designated by the Fire Chief or Fire Marshal and upon terms and conditions he may prescribe.

(Ord. No. 14825, 2-11-2008)

### **Sec. 12-81. Permissible Open Burning Enumerated.**

It shall be lawful to engage in open burning of plant material grown on the premises or deposited thereon by the elements by the owner or occupant of the premises involved, subject to the following:

- a.) Open burning shall occur in the backyard between the hours of 7 a.m. to 7 p.m. or darkness, whichever occurs first, and is limited to single family dwellings only. All open burning piles shall be extinguished by the onset of darkness or 7 p.m. whichever occurs first.
- b.) Open burning is not allowed after 12 o'clock noon on Saturdays or at any time on Sundays or on holidays as defined: Good Friday, Memorial Day, July 4th, Labor Day, Thanksgiving, Christmas, New Years Day.
- c.) Open burning of any material is not allowed by an owner or occupant of premises upon which more than one family dwelling unit is found.
- d.) All open burning must be in compliance with the International Fire Code as adopted by the City of Marshalltown.
- e.) A backyard is defined under the Marshalltown Zoning Ordinance.
- f.) Open burning that is offensive or objectionable because of smoke or odor emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.
- g.) The location for open burning shall not be less than 50 feet from any structure. Fires in approved containers shall be no less than 15 feet from any structure.  
(Ord. No. 14825, 2-11-2008)

### **Sec. 12-82. Recreational Burning Allowed.**

Recreational burning shall be allowed for food preparation and camping purposes - or as defined in the definition section. The material to be burned is limited to seasoned wood, and the fire shall comply with all other applicable state and local codes related to open burning.

- a.) All recreational fires shall be contained in appliances specifically designed for this purpose. Recreational fires shall be located no less than 15 feet from any structure. The responsible party must provide means to control flying embers.
- b.) All recreational fires shall be extinguished by methods that will ensure all remaining embers are completely extinguished. Recreational fires shall be extinguished by 2:00 A.M.

- c.) Municipal camping areas are exempt from the requirements of this section except the restrictions on size. All other requirements of this section concerning open burning shall apply to recreational burning at municipal camping areas.
- d.) Shall be less 3 feet in diameter or less, and shall not exceed 2 ft in height.
- e.) Recreational fires are allowed year-round.
- f.) Recreational burning that is offensive or objectionable because of smoke or odor emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. (Ord. No. 14825, 2-11-2008)

**Sec. 12-83. Open Burning, Recreational Burning – Rear and Side Yard Restrictions.**

Subject to any contrary provisions of the International Fire Code, as adopted by the City of Marshalltown, open burning of permitted plant material, on permitted premises, shall be at least 15 feet from side and rear yard boundary lines.

(Ord. No. 14825, 2-11-2008)

**Sec. 12-84. Open Burning – Pine and Spruce Trees.**

It shall be unlawful to engage in open burning within 20 feet of any part of a pine or spruce tree located in the City of Marshalltown. (Ord. No. 14825, 2-11-2008)

**Sec. 12-85. Fire Department Response Fee.**

Any violation of the rules concerning prohibited burning and open burning, which require a response by the Marshalltown Fire Department to control or extinguish such combustion will be subject to a response fee as established by resolution. Commercial property found in violation of this ordinance shall be charged the permit fee for open burning as established by resolution. (Ord. No. 14825, 2-11-2008)

**Sec. 12-86. Penalties.**

Any person, firm or corporation violating any section of this article shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in section 1-8. Each day upon which such violation occurs shall constitute a separate violation.

(Ord. No. 14825, 2-11-2008)