

ORDINANCE NO. 5.13

FRANKLIN COUNTY OPEN BURNING ORDINANCE

An Ordinance providing for the safety and welfare of residence and property in Franklin County during controlled open burning and to define the provisions and procedures for implementing penalties for non-compliance

**BE IT ENACTED** by the Board of Supervisors of Franklin County, Iowa:

Section 1. PURPOSE

The purpose of this ordinance is to provide for the safety and welfare of residents and property in Franklin County during controlled open burning and to define the provisions and procedures for implementing penalties for non-compliance.

Section 2. DEFINITIONS

For use in this ordinance the following words or terms shall be interpreted or defined as follows:

1. Controlled open Burning shall mean the intentional setting of a fire with supervision to dispose of property, or for the maintenance of brush, grass or farmlands, or for any other lawful purpose in Franklin County, Iowa outside the corporate limits of cities within Franklin County.
2. Person shall mean any individual.
3. Building shall mean any roofed and or walled structure built for temporary or permanent use.
4. Regulatory Authority shall mean any Law Enforcement Officer of the Franklin County Sheriff's Office, the Fire Chief of the Fire District involved or his designated representative.
5. Penalty shall mean the amount of fine, surcharge and other costs imposed upon any individual found in violation of this ordinance.
6. Recreational fire shall mean the amount of fire no larger than 4x4x4 feet.
7. Fire suppression shall mean providing ample water supply to spray or dump water directly onto a fire for suppression and control, or having equipment available to impede the progress of a fire. Equipment may be farm machinery, farm implements, or other general equipment or implements capable of creating firebreak to suppress or control a fire.

Section 3. Regulatory Authority

The authorities responsible for implementation and enforcement of this ordinance shall be the Franklin County Sheriff's Office, the Fire Chief of the individual District in which a fire is located within Franklin County, or his/her designated representative, and these officers are hereby authorized to issue civil citations for the violation of this ordinance.

Section 4. Restrictions

Any person who intentionally ignites a fire shall provide fire suppression sufficient to control the fire from spreading out of control. The fire supervision and suppression method shall be in place prior to ignition of the fire. Other than the supervised use of outdoor fireplaces, barbeque grills, properly supervised landfills, or the burning of trash incinerators or trash burners made of metal, concrete, masonry, or heavy one inch mesh with no opening greater than one inch square, or according to other local ordinances, all persons engaging in open burning shall be required to give notification to the Franklin County Non-Emergency/Sheriff's Department number, whom will notify Sheriff's Office and Fire Department personnel prior to the ignition of the controlled open burn. No burning shall be allowed during Red Flag warning periods. Notification shall be given as to the name, address, location and time when the controlled burn is to take place and the fire suppression methods to be utilized. Any person who fails to give proper notification to the proper authorities prior to the controlled open burn may be found in non-compliance with this ordinance.

Section 5. Compliance

In the event additional fire suppression is requested or required from the jurisdictional fire department to extinguish any fire that is out of control, the person responsible for the controlled open burn may be deemed in non-compliance with this ordinance.

Section 6. Enforcement

In the event additional help is requested or required from the jurisdictional fire department to extinguish a controlled open burn, an officer of the Franklin County Sheriff's Office or the Fire Department Chief of the fire District or his designated representative, shall be dispatched to the scene of the fire to file a report of the incident. If after investigation and finding that fire suppression was not sufficiently provided prior to the ignition of the fire, or the fire was out of control, or entered upon other person's property, the person responsible for the fire may be cited for non-compliance with this ordinance.

Section 7. Penalty

Violations of this ordinance constitute County infractions pursuant to Section 33.307 of the Code of Iowa, and are punishable by civil penalty of not more than five hundred dollars for each violation or seven hundred fifty dollars for each repeat offense.

Penalties collected for non-compliance of this ordinance shall, to the extent provided by law, be payable to the Franklin County Sheriff's Office for deposit into a fund for reimbursement to the individual departments for their response to the fire scene.

Any fire left unsupervised which causes a fire department to respond may be subject to an assessment/restitution by the responding fire department.

Section 8. Repealer

All ordinances or parts of ordinances in conflict with the provisions of 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. When Effective

This ordinance shall be in effect from and after its final passage approval and publication as provided by law.

Approved and adopted this 1<sup>st</sup> day of June, 2015

Franklin County Board of Supervisors

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Michael Nolte, Chair

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Corey Eberling, member

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Gary McVicker, Member

ATTEST:

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Michelle S. Giddings, Auditor & Clerk to Board