

CITY OF AVOCA

TITLE IV: COMMUNITY SERVICES **CHAPTER 6: MUNICIPAL BURN SITE**

6.01 PURPOSE. The purpose of this ordinance is to provide a municipally operated and supervised open burn site which complies with Iowa Administrative Code 567-23 and does not create a nuisance or conditions dangerous to the public health.

6.02 BURN SITE LOCATION. The Council shall designate the location of the municipal burn site by resolution.

6.03 COMPLIANCE. The City Manager shall be responsible for ensuring that the municipal burn site is operated in compliance with the regulations of Iowa Administrative Code 567-23.

6.04 REGULATIONS. The municipal burn site will operated under the following regulations:

1. The site will only be operated for the open burning of trees and tree trimmings removed from properties within the corporate limits of the City of Avoca.
2. The burn site will be fenced and access will be controlled
3. Burning will conducted on a regularly scheduled basis and will be supervised at all times
4. Burning will only be conducted when weather conditions are favorable with respect to surrounding property.
5. The burn site will be at least one-quarter mile from any inhabited building, unless a written waiver in the form of an affidavit is submitted by the owner of the building to the Iowa Department of Natural Resources and to the City of Avoca prior to the first instance of open burning at the site which occur. The written waiver shall become effective only upon recording in the office of the recorder of deeds of the county in which the inhabited building is located.
6. Rubber tires shall not be used to ignite trees and tree trimmings.
7. This ordinance shall not be construed to create a dump area or an area to burn any refuse except that which may from time to time be permitted by Iowa Code or the Departmental Rules of the Department of Environmental Control. All other dumping and burning shall be prohibited in the burn area.

6.05 VIOLATION AND PENALTIES. Any person, firm or corporation who shall violate or fail to comply with the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than thirty (30) days. Each day such violation continues shall constitute a separate offense.