

CITY CODE OF ORDINANCES - HAMPTON, IOWA

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:

(IAC, 567-23.2[455B] and 567-100.2)

1. 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, provided that the burning of any structures or demolished structures is conducted in accordance with 40 CFR Section 61.145.

(IAC, 567-23.2[3a])

2. Trees and Tree Trimmings. The open burning of trees and tree trimmings at a City-operated burning site, provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3b])

3. 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 ($\frac{1}{4}$) 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.

(IAC, 567-23.2[3d])

4. Recreational Fires. Open fires for cooking, heating, recreation and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources. Recreational fires shall be limited to small fires utilizing only natural wood, small sticks and faux logs. It is unlawful to burn in such fire paper products, plastic, tires, treated, stained or varnished lumber or any lumber that contains any chemical substances, construction materials except dimensional lumber that has not been treated with chemicals or stained and is cut into lengths not exceeding the diameter of the fire containment device, and/or yard waste such as leaves and grass clippings. Such recreational fire shall be contained in a fire ring or other recreational fire containment device not exceeding three (3) feet in diameter with the flame height not to exceed four (4) feet. Such fire shall be supervised by a competent individual at all times and extinguished completely before leaving the site of the recreational fire. Such fire shall be extinguished if determined to be a nuisance as defined by Chapter 50 of this Code of Ordinances.

(IAC, 567-23.2[3e])

5. Training Fires. Fires set for the purpose of conducting bona fide training of public or industrial employees in fire fighting methods, provided that the training fires are conducted in compliance with rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3g])

6. Pesticide Containers and Seed Corn Bags. The disposal by open burning of paper or plastic pesticide containers (except those formerly containing organic forms of beryllium, selenium, mercury, lead, cadmium or arsenic) and seed corn bags resulting from farming activities occurring on the premises if burned in accordance with rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3h])

7. Agricultural Structures. The open burning of agricultural structures if in accordance with rules and limitations established by the State Department of Natural Resources.

(IAC, 567-23.2[3i])

8. Controlled Burning of a Demolished Building. The controlled burning of a demolished building by the City, subject to approval of the Council, provided that the controlled burning is conducted in accordance with rules and limitations established by the State Department of Natural Resources.

(IAC, 567-23.2[3j])

9. Variance. Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Director of the State Department of Natural Resources.

(IAC, 567-23.2[2])

105.06 BURNING AND INCINERATION PROHIBITED. It is unlawful for any person for hire to burn or incinerate or permit the burning or incineration of any solid waste within the City. This section applies to all solid waste and also specifically includes all waste paper, boxes, market waste, garden waste, trees, tree limbs, leaves and any and all materials other than materials used as a fuel in a furnace or boiler. This section does not apply to any incinerator operated by or for the City or to any burning conducted under the direction of the Fire Department of the City.

105.07 INCINERATORS.

1. It is unlawful for any person within the City to sell or offer for sale or to install or offer to install any device intended for use as a garbage or solid waste burner or incinerator, except when the intended user of such a device has secured a license to operate or use the same from the City, or when such device will be operated by or for the City.

2. It is unlawful for any person within the City to use, install or otherwise permit the use or installation of a container for the purpose of incineration unless such container is licensed by the City and the Iowa Department of Natural Resources, and conforms to State and Federal limits for emission of air contaminants.

105.08 SEPARATION AND DISPOSAL OF YARD WASTE. All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be composted, mulched or utilized or burned on the premises in such a manner so as not to cause a public nuisance, or placed in acceptable containers and set out for collection. As used in this section, "yard waste" means any debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps. Burning of yard waste shall be limited to a 30-day time period in the fall of each year. Said time period will be determined by the City Manager. Burning during said 30 days shall only be allowed from 12:00 p.m. (noon) until darkness, "darkness" being defined as when the street lights come on. Burning of yard waste shall not occur at a proximity of less than 20 feet from any structure or building and shall be supervised by a competent person at all times and shall not be left unattended until the fire is completely extinguished.