

ORDINANCE NO. 08-01

AN ORDINANCE TO AMEND THE COUNTY CODE OF ORDINANCES OF MILLS COUNTY, IOWA, BY ENACTING A NEW CHAPTER 11 PLANNED OPEN BURNING NOTIFICATION OF TITLE I ADMINISTRATION SETTING FORTH THE PROCEDURES AND PENALTIES ASSOCIATED WITH NOTIFICATION OF THE MILLS COUNTY COMMUNICATIONS CENTER PRIOR TO A PLANNED OPEN BURN

BE IT THEREFORE ORDAINED BY THE
BOARD OF SUPERVISORS OF MILLS COUNTY, IOWA:

Section 1. ENACTMENT. A new CHAPTER 11 PLANNED OPEN BURNING NOTIFICATION OF TITLE I ADMINISTRATION is enacted as follows:

Section 2. 1011.01. INTENT. Iowa Administrative Code Section 567-23.2 allows Mills County residents to burn certain items on their property. Mills County fire protection officials will benefit by receiving advanced notice of planned open burning by property owners in Mills County, Iowa. This Ordinance encourages efficient use of fire protection resources. The Ordinance will define a controlled or uncontrolled burn; create uniform procedures for advanced notice of planned open burning; and establish penalties when an individual fails to provide such notice.

Section 3. 1011.02. DEFINITIONS.

- .01 ADVANCED NOTICE: Verbal contact with the Mills County Communications Center (712-527-4871) notifying the Communications Center a burn will occur on a specific date at a specified location.
 - A. The Communication Center shall receive notification at least twelve (12) hours in advance of the burn unless the burn occurs in the Loess Hills area.
 - B. The Communication Center shall receive notification at least twenty-four (24) hours in advance of the burn when it occurs in the Loess Hills area.
- .02 CONTROLLED BURN: Any burn supervised by an individual.
- .03 UNCONTROLLED BURN: An intentional or unintentional burn not supervised by an individual.

Section 4. 1011.03 ADVANCE NOTICE REQUIREMENT. Every person, firm, corporation, or government entity shall provide advance notice to the Mills County Communications Center before kindling or burning any:

- .01 Building or structure;
- .02 Farm land or pasture (including Crop Reserve Program [CRP] acres);

- .03 Other rural ground or woodland; or
- .04 Normal yard waste in a contained area.

Section 5. 1011.04 EXCEPTIONS. This Ordinance shall not apply to the following situations:

- .01 Use of an outdoor fire for cooking;
- .02 Barbeque grills;
- .03 Outdoor fireplaces; or
- .04 Supervised burning of paper products in a contained area, such as a barrel.

Section 6. 1011.05 PENALTIES. Any responsible party in violation of this Ordinance shall be found guilty of committing a County Infraction as defined in CHAPTER 7 VIOLATIONS AND PENALTIES OF TITLE I ADMINISTRATION of the Mills County Code of Ordinance.

- .01 CIVIL PENALTY: A responsible party shall pay all court costs and a civil penalty of:
 - A. Fifty dollars (\$50.00) for the first violation;
 - B. One hundred dollars (\$100.00) for a second violation; and
 - C. Two hundred fifty dollars (\$250.00) for a third and any subsequent violation.
- .02 This Ordinance authorizes a law enforcement officer or fire official to issue a civil citation for a County Infraction. This Ordinance does not preclude a law enforcement officer or fire official from exercising his or her discretion and issuing a criminal citation for a violation of the Iowa Code in lieu of issuing a civil citation for violation of the Mills County Code of Ordinance.

Section 7. 1011.06 CITY FIRE REGULATIONS SUPERSEDE. This Ordinance shall apply to both incorporated and unincorporated areas of Mills County, Iowa. In the event any City has the same or similar fire regulations, the City regulations shall supersede this Ordinance.

Section 8. REPEALER. All other ordinances, rules, regulations, or part thereof, in conflict with this ordinance are hereby repealed by this ordinance.

Section 9. SEVERABILITY. 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 provision thereof not adjudicated to be invalid or unconstitutional.

Section 10. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage, approval, and publication as provided by law.

First Reading: _____

Second Reading: _____

Third Reading: _____

Approved:

Richard Crouch
Chair - Board of Supervisors

Date

Attest:

Carol Robertson
Mills County Auditor

Date