

# ORDINANCE 261

## AN ORDINANCE AMENDING SECTION 8.04.050 OF THE MEDIAPOLIS MUNICIPAL CODE

WHEREAS, daily open burning of garden waste and rubbish have been shown to cause high levels of pollution; and

WHEREAS, air pollution resulting from daily open burning can cause respiratory problems for many citizens;

NOW THEREFORE BE IT RESOLVED that an ordinance regulating open burning of yard waste except on certain days be enacted.

### **Section 1. 8.04.050. Burning of garbage and refuse.**

- (A). It is unlawful to burn any garbage in trash containers or any other manner within the city. The burning of any material or object containing a toxic substance is prohibited at all times.
- (B). Except as otherwise specified herein, it shall be unlawful within the City of Mediapolis, Iowa to burn any materials including, but not limited to leaves, twigs, branches, vegetation and garden waste. Specified exceptions to this restriction are:
  - (1). Open burning use solely for cooking or barbequing of food. These fires must be no larger than three (3) feet in diameter.
  - (2). Training fires as may be conducted by volunteer fire departments in the course of training members in fire fighting techniques.
  - (3). Open burning authorized for the duration of an officially declared community disaster period. The Mayor shall make such declaration.
  - (4). Camp fires, burning clean wood material, when in association with camping out or similar related recreational activities provided that these fires comply with all other sections of the ordinance and are no larger than three (3) feet in diameter.
- (C). Restrictions on open burning. Open burning under the exceptions set forth in 8.04.050 (B). shall comply with the following regulations.
  - (1). Open burning of the following materials is expressly prohibited at all times: construction materials, garbage, furniture, tires, plastic or any other recyclable materials or other refuse.
  - (2). Prairie maintenance (reestablishment and creation) and agricultural field maintenance shall be allowed. Fires of this type must be constantly attended by an adult person who shall have fire-extinguishing equipment readily available for use.

- (3). Open burning of leaves, yard waste and twigs under the conditions herein shall be allowed only on Wednesdays, Fridays and Saturdays. This open burning may be performed between the hours of 7:00 AM and 7:00 PM.

**Section 2. Repealer.** All Ordinances or parts of Ordinances in conflict with provisions of this ordinance are hereby repealed.

**Section 3. Savings Clause.** If any section, provision, or part of the 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 4. When Effective.** This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Mediapolis, Iowa on the 3rd day of October, 2005.

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Larry Flaherty, Mayor

ATTEST:

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Julia Tribbey, City Clerk

1<sup>st</sup> Reading 9-1-05

2<sup>nd</sup> Reading 9-19-05

3<sup>rd</sup> Reading 10-3-05