

SHELBY COUNTY ORDINANCE NO. 2012-1  
LOCAL BURNING BAN ORDINANCE

SECTION 1: Purpose. The purpose of this ordinance is to establish a policy and procedure for the implementation of a local burning ban to protect public safety, environment, crops, and other values at risk from fire based on Shelby County's Fire Danger Rating Boards and to establish the penalty for violating that ban.

SECTION 2: Authority. The Shelby County Board of Supervisors has the authority to impose such a ban under Section 331 of the Code of Iowa.

SECTION 3: Implementation.

A. Shelby County has implemented a Fire Danger Rating System throughout the County, and Fire Danger Rating Boards have been erected in every community.

B. Whenever the majority of the Shelby County Fire Chiefs order the Fire Danger Rating Boards into the Extreme Category, this Ordinance establishes the following rules:

- No open burning will be allowed throughout the county, except in developed recreation sites shown on **Exhibit A**, until further notice.
- No campfires or recreation fires will be permitted, which include fire pits.
- A permit (**Exhibit B**) must be issued by a local Fire Chief in order to burn in metal, heavy wire mesh or concrete trash incinerators. The incinerators must have an opening no greater than one square inch.
- An Extreme Fire Danger Rating shall not prohibit a supervised, controlled burn for which a permit has been issued by the Fire Chief of the fire district where the burn will take place, provided a Burn Plan is on file with the Shelby County Emergency Management Agency/911 Center and with the Fire Chief of the district in which the burn is to take place.
- Barbecue grills are allowed.
- C. The Permit and blank Burn Plan forms can be downloaded at the Shelby County Emergency Management Agency website at [www.shelbycountyma.com](http://www.shelbycountyma.com). Paper copies are also available at the EMA Office at 1104 9<sup>th</sup> Street, Harlan, Iowa.
- D. Pursuant to Shelby County Fire Chiefs' order, the following are exempt from this order:
  - Any Federal, State, or local officer or member of an organized rescue or firefighting force in the performance of official duties.
  - A person that has received a signed permit, Exhibit B, and has all provisions of permit in place prior to ignition.

SECTION 4: Penalty. A violation of this ordinance is punishable by a minimum fine of \$100 for an individual or \$500 for an organization, not to exceed \$1000. The violator may also be liable for additional reasonable restitution.

SECTION 5: Effective Date. This ordinance shall be effective immediately upon approval by the Board of Supervisors after such notice and public hearing as required by law.

SECTION 6: Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 7: Severability Clause. If any section, provision, or part of this ordinance shall be adjudged, invalid, or unconstitutional, such adjudication shall not affect the



## **Exhibit – A-**

### **State Parks:**

Prairie Rose State Park

### **County Parks:**

Manteno Park

Nishna Bend

Elk Horn Creek Recreation Area

### **City Parks:**

Any city park with improved cooking areas,  
or fire rings provided for cooking.

# Exhibit -B-

## Shelby County

### Open Burning or Bon Fire Permit

<p><b>Property Owner and Location</b></p> <p>Name / Business Address: _____ _____ _____</p> <p>Phone No: _____</p>	<p><b>Date of Occurrence</b></p> <p>Start Date: _____ Start Time: _____</p> <p>End Date: _____ End Time: _____</p>
<p>Detailed description and purpose of burn. (Include why burn must be conducted during Extreme Fire Conditions.)</p>	
<p><b>Items to comply with</b></p> <p>The location for <b>Open Burning</b> must be at least 50 feet from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure. A <b>Bonfire</b> shall not be conducted within 25 feet of a structure. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition. <b>Open Burning and Bonfires</b> shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher of a minimum of 4:A rating or other on site firefighting equipment such as dirt, sand, and shovel, water barrel, garden hose, or water truck must be available for immediate use. Definitions: <b>Bonfires</b> – An outdoor fire utilized for ceremonial purposes. <b>Open Burning</b> – Any outdoor fire that is used to reduce or remove vegetation, bio mass, or other naturally occurring materials from the landscape. This includes CRP, ditches, and agricultural terraces. Further included are any controlled burns conducted by a private or public contract.</p>	
<p>I, the undersigned, do hereby affirm that the statements contained on this form are true and correct. I further agree to comply with the provisions of applicable ordinances of Shelby County, and all other requirements of this application. I understand this permit does not release me or my organization of liabilities for damages occurring in conjunction with this event. I also acknowledge that cost associated with standby personnel and equipment as required for Open Burning events will be my responsibility and billed separately. The Fire Chief of the Fire District can cancel or extinguish the Planned Fire at any time they deem necessary to protect the public as a whole.</p> <p>Signature: _____ Date: _____ Time: _____</p> <p>Printed: _____ Chief: _____</p>	