

August 14, 2012

The Board of Supervisors of Shelby County, Iowa, met pursuant to law and rules of said board in special session at 9:00 a.m. in the Supervisors Chambers of the Shelby County Courthouse with the following members present: Roger Schmitz, Chairman; James Burmeister, Vice-Chairman; Delbert Hull; and Karen Goans, Acting-Clerk.

The Chair asked the other members to state any Conflict of Interest concerning any items on the approved agenda. None were stated.

It was moved by Burmeister, seconded by Hull, to approve the agenda. AYES: Schmitz, Burmeister, Hull NAYES: None

Now being the time for the First Reading of Shelby County Ordinance No. 2012-1, Local Burning Ban Ordinance, the Chairman did open the public hearing. There were no written or oral comments. It was moved by Burmeister, seconded by Hull, to close the public hearing, to suspend any future readings, and to approve Shelby County Ordinance No. 2012-1, as set out below:

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.shelbycountyyema.com. Paper copies are also available at the EMA Office at 1104 9th 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 of 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 validity of the ordinances as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

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-

(Open Burning and Bon Fire Permit Form)

PASSED AND ADOPTED this 14th day of August, 2012, by the Shelby County Board of Supervisors.

There being no further business appearing, the Chairman declared the meeting adjourned at 9:07 a.m.

Roger Schmitz, Chairman

ATTEST:

Karen Goans
Acting-Clerk to the Board of Supervisors

NOTE: These minutes are as recorded by the Clerk to the Board of Supervisors and are subject to Board approval at the next regular meeting.