

RECORDING FEE \$ None FILED FOR RECORD THE 30 DAY OF Apr. 20 13 AT 2:30 STATE OF IOWA, BUTLER COUNTY:
TRANSFER FEE \$ _____ O'CLOCK p M. INSTRUMENT NO. 2013-1685 BY Janis Jacobs RECORDER
DEPUTY

**BUTLER COUNTY ORDINANCE TITLE V No.15
BUTLER COUNTY, IOWA**

Adopted April 30, 2013

Preparer Information: Emergency Management Coordinator, Mitch Nordmeyer 319-267-9968
Return Document to: Butler County Auditor, PO Box 325, Allison, IA 50602

This ordinance defines provisions and procedures for Controlled Open Burning

BUTLER COUNTY ORDINANCE TITLE V, NO. 15

AN ORDINANCE PROVIDING FOR THE SAFETY AND WELFARE OF RESIDENTS AND PROPERTY IN BUTLER COUNTY DURING CONTROLLED OPEN BURNING AND TO DEFINE THE PROVISIONS AND PROCEDURES FOR IMPLEMENTING PENALTIES FOR NON-COMPLIANCE

BE IT ENACTED by the Board of Supervisors of Butler County, Iowa:

Section 1. **PURPOSE**

The purpose of this ordinance is to provide for the safety and welfare of residents and property in Butler County during controlled open burning and to define the provisions and procedures for implementing penalties for non-compliance.

Section 2. **DEFINITIONS**

For use in this ordinance the following words or terms shall be interpreted or defined as follows:

1. Controlled open burning shall mean the intentional setting of a fire with supervision to dispose of property, or for the maintenance of brush, grass or farmlands, or for any other lawful purpose in Butler County, Iowa outside the corporate limits of cities within Butler County.
2. Person shall mean any individual.
3. Building shall mean any roofed and or walled structure built for temporary or permanent use.
4. Regulatory authority shall mean any Law Enforcement Officer of the Butler County Sheriff's Office, the Fire Chief of the fire district involved, or his designated representative.
5. Penalty shall mean the amount of fine, surcharge and other costs imposed upon any individual found in violation of this ordinance.
6. Recreational fire shall mean a fire no larger than 4 x 4 x 4 feet.
7. Fire suppression shall mean providing ample water supply to spray or dump water directly onto a fire for suppression and control, or having equipment available to impede the progress of a fire. Equipment may be farm machinery, farm implements, or other general equipment or

implements capable of creating a firebreak to suppress or control a fire.

Section 3. **REGULATORY AUTHORITY**

The authorities responsible for implementation and enforcement of this ordinance shall be the Butler County Sheriff's Office, the Fire Chief of the individual fire district in which a fire is located within Butler County, or his designated representative, and these officers are hereby authorized to issue civil citations for the violation of this ordinance. The Butler County Sheriff's Office is designated to receive and disburse funds collected for violation of this ordinance.

Section 4. **RESTRICTIONS ON CONTROLLED OPEN BURNING**

Any person who intentionally ignites a fire shall provide fire suppression sufficient to control the fire from spreading out of control. The fire supervision and suppression method shall be in place prior to ignition of the fire. Other than the supervised use of outdoor fireplaces, barbecue grills, properly supervised landfills, or the burning of trash incinerators or trash burners made of metal, concrete, masonry, or heavy one inch wire mesh with no openings greater than one inch square, or according to other local ordinances, all persons engaging in open burning shall be required to give notification to the Butler County Sheriff's Office and the local fire department chief prior to the controlled open burn. Notification shall be given as to the name, address, location and time when the controlled burn is to take place and the fire suppression methods utilized. Any person who fails to give proper notification to the proper authorities prior to the controlled open burn may be found in non-compliance with this ordinance.

Section 5. **COMPLIANCE**

In the event additional fire suppression is requested or required from the jurisdictional fire department to extinguish any fire that is out of control, the person responsible for the controlled open burn will be deemed to be in non-compliance with this ordinance.

Section 6. **ENFORCEMENT**

In the event additional help is requested or required from the jurisdictional fire department to extinguish a controlled fire, an officer of the Butler County Sheriff's Office, or the Fire Department Chief of the fire district or his designated representative, shall be dispatched to the scene of the fire to file a report of the incident. If after investigation and finding that fire suppression was not sufficiently provided for prior to the ignition of the fire, or the fire was out of control, or entered upon another persons property, the person responsible for the fire may be cited for non-compliance with this ordinance.

Section 7. **PENALTY**

Violations of this ordinance constitute County infractions pursuant to Section 331.307 of the Code of Iowa, and are punishable by civil penalty of not more than five hundred dollars for each violation or seven hundred fifty dollars for each repeat offense.

Penalties collected for non-compliance of this ordinance shall, to the extent provided by law, be payable to the Butler County Sheriff's Office for deposit into a fund for reimbursement to the individual fire departments for their response to the fire scene.

Any fire left unsupervised which causes a fire department to respond may be subject to an assessment/restitution by the responding fire department.

Section 8. **REPEALER**

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

Section 9. **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 ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.


Section 10. **WHEN EFFECTIVE**

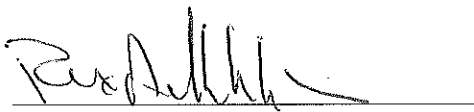
This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Approved and adopted this 30th day of April, 2013.

BUTLER COUNTY BOARD OF SUPERVISORS


Mark V. Reiher, Chair


Tom Heidenwirth, Member


Rex Ackerman, Member

ATTEST:


Butler County Auditor

Read First Time: April 30, 2013

Read Second Time: Waived, 2013

Read Third Time: Waived, 2013

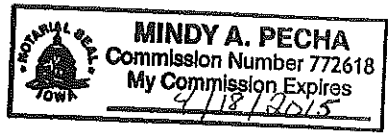
Approved and adopted this 30th day of April, 2013.

STATE OF IOWA

COUNTY OF BUTLER

On this 30th day of April, 2013, before me the undersigned, a Notary Public in and for said County and State, personally appeared Mark V. Reiher and Lizbeth Williams, to me personally known, who, being duly sworn, did say that they are the Chairperson of the Board of Supervisors and County Auditor of Butler County, Iowa, respectively; that the seal affixed hereto is the seal of said County; that said instrument was signed and sealed on behalf of the said Butler County, Iowa, by authority of its Board of Supervisors and pursuant to Ordinance I, No. 1, of said Board; and that said Mark V. Reiher and Lizbeth Williams as such officers, acknowledge the execution of said instrument to be the voluntary act and deed of said County, it and by them voluntarily executed.

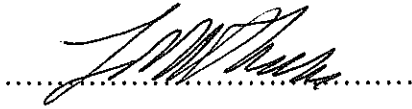
Mindy A. Pecha
Notary Public In and For Said County
And State of Iowa



STATE OF IOWA

Butler County,

I, **Leon M. Thorne**, being duly depose and say that I am **Publisher** of the **ECLIPSE-NEWS-REVIEW**, a weekly newspaper published at Parkersburg, Butler County, Iowa, and I further state that the annexed and subjoining was duly published in said paper on the 24th day of April, 2013



Subscribed and sworn to before me on this 24th day of April, 2013



Notary Public In And For
Butler County, Iowa

Cost of Publication \$4.88

PROOF OF PUBLICATION

PUBLIC NOTICE

**NOTICE OF PUBLIC HEARING
BUTLER COUNTY
BOARD OF SUPERVISORS**

The Butler County Board of Supervisors will meet on April 30, 2013, at the Butler County Courthouse, Allison, Iowa. During this meeting at 9:30 a.m. the Supervisors will:

Hold a Public Hearing to approve the Butler County Open Burning Ordinance, Title VI #11.

All interested parties are encouraged to attend the meeting. Written or oral comments may be submitted to the Butler County Emergency Management Coordinator or the Butler County Board of Supervisors at the Courthouse, P.O. Box 325, Allison, Iowa.