

## IOWA CODE SECTION 100.40

100.40 Marshal may prohibit open burning on request.

1. The state fire marshal, during periods of extremely dry conditions or under other conditions when the state fire marshal finds open burning constitutes a danger to life or property, may prohibit open burning in an area of the state at the request of the chief of a local fire department, a city council or a board of supervisors and when an investigation supports the need for the prohibition. The state fire marshal shall implement the prohibition by issuing a proclamation to persons in the affected area. The chief of a local fire department, the city council or the board of supervisors that requested the prohibition may rescind the proclamation after notifying the state fire marshal of the intent to do so, when the chief, city council or board of supervisors finds that the conditions responsible for the issuance of the proclamation no longer exist.
2. Violation of a prohibition issued under this section is a simple misdemeanor.
3. A proclamation issued by the state fire marshal pursuant to this section 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, the use of outdoor fireplaces, barbecue grills, properly supervised landfills, or the burning of trash in incinerators or trash burners made of metal, concrete, masonry, or heavy one-inch wire mesh, with no openings greater than one square inch.

ORDINANCE 223

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF KEOTA, IOWA, 2006, BY AMENDING PROVISIONS PERTAINING TO BURNING OF LEAVES.

BE IT ENACTED by the City Council of the City of Keota, Iowa:

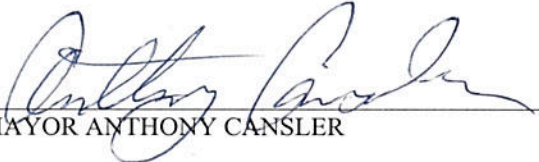
SECTION 1. Chapter 10 Solid Waste Control, Section 6-10-19 Prohibited Acts, subsection 2 is repealed and the following adopted in lieu thereof:

1. 6-10-19, subsection 2, Burning of any recyclable, raw material and leaves. Yard waste consisting of tree limbs, brush limbs and stumps are permissible.

SECTION 2. **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 3. **WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the 20 day of February and approved the 20 day of February, 2007

  
MAYOR ANTHONY CANISLER

ATTEST:

  
CITY CLERK JOAN NETTEN-ANDEREGG

I certify that the foregoing was published as Ordinance 223 on the 28 day of February, 2007

  
CITY CLERK JOAN NETTEN-ANDEREGG