

ORDINANCE No. 100

AN ORDINANCE PROHIBITING OPEN FIRES WITHIN THE CITY OF UNIVERSITY HEIGHTS, IOWA, AND PROVIDING EXCEPTIONS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, JOHNSON COUNTY, IOWA:

1. Except as otherwise provided in this ordinance, no person or entity shall ignite, cause to be ignited or permit to be ignited any open fire, nor shall any person allow or maintain any open fire.
2. Open burning of the following types may be permitted, in compliance with fire department guidelines, with a valid open-burning permit from the fire department or its designee:
  - a. Ceremonial or controlled bonfires;
  - b. Open burning of rubbish, including landscape waste, for the duration of a disaster period in cases where an officially declared emergency exists; and
  - c. Fires set for the purpose of legitimate instruction and training of public, institutional, or industrial employees in the methods of fire fighting.
3. Open burning for outdoor cooking is permitted without a burning permit if performed in an approved container constructed of steel, brick, or masonry.
4. The University Heights Fire Chief, or the chief of the fire department with which University Heights contracts for fire protection service, may designate certain days each fall and each spring on which open burning of yard waste, clippings, leaves, and similar vegetation shall be permitted on private property. The fire chief also may promulgate rules and regulations that will govern such open burning. Any such open burning must occur during daylight hours and must be "controlled," which means a person age 18 or older is tending the fire at all times, the fire is contained and not permitted to burn at will, and a source of water is available on the property not more than ten feet from the fire.

Any violation of this ordinance shall be a simple misdemeanor, and any person convicted of violating this ordinance shall be subject to punishment for up to thirty (30) days in jail or by a fine of up to one hundred dollars (\$100.00), or by both such confinement and fine.

All ordinances or parts of ordinances not specifically provided for and in conflict herewith are hereby repealed.

If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, this determination shall not affect the validity of the ordinance as a whole or any section, provision, or part of the ordinance not determined to be invalid or unconstitutional.

This ordinance shall be effective upon its passage and publication as provided by law.

Passed by the Council this 7<sup>th</sup> day of April, 1993 and approved this 7<sup>th</sup> day of April, 1993.