

**105.05 OPEN BURNING RESTRICTED.** Except as otherwise provided in this section, no person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained without first obtaining an "Open Burning Permit" from the Linn County Air Pollution Control Officer. No permits shall be issued for burning of commercial waste.

No person shall allow, cause or permit the open burning of residential waste, including landscape waste and leaves within one half (1/2) mile of Cedar Rapids, Hiawatha, or Marion, Iowa which is classified as Urban Services Residential (USR) district.

1. Permit Exemptions.

- A. Within container. Sticks and twigs (wood must be free of all leaves, needles or other vegetative matter) raked from the resident's property may be burned without a permit provided such burning is conducted in an outdoor fireplace, portable outdoor fireplace, fire pit or similar container not exceeding three (3) feet in diameter. No burn barrels are allowed.
- B. Other types. The following types of burning are also exempt from the permit requirement.
  - (1) Fires used solely for the cooking out or barbecuing of food. These fires must be no larger than three (3) feet in diameter and be fueled with clean materials such as wood or charcoal.
  - (2) Campfires, burning clean wood material when in association with camping or similar related recreational activities provided these fires are no larger than three (3) feet in diameter. Burning after dark is permitted provided the fire is supervised.

2. Burning Restrictions.

- A. The Robins Fire Chief, Robin's Firefighter, Robins Police Department or Linn County Sheriff Deputy may prohibit any outdoor fire if they deem such fires are hazardous to health or welfare.
- B. Open burning must be conducted during the dates specified on the permit.
- C. Unless otherwise provided, burning is to be conducted during day light hours only.
- D. Fires must be attended at all times during the burning. The attendant should have the burning permit in his or her possession at the time of burning.
- E. Burning must be conducted in a safe and reasonable manner.
- F. Burning is restricted to materials listed on the burning permit.
- G. No combustible material may be brought onto a property from outside the property for the express purpose of burning except for the use in general home heating or cooking.
- H. Before burning, notification should be given to the Linn County Sheriff's Department.
- I. No burning of any kind is allowed on the public right-of-way.

3. Penalties.

- a. Any person who shall be found to be in violation of any provision of this Ordinance shall be considered to be guilty of a misdemeanor,

punishable by a fine of \$100.00 for the first offense and \$200.00 for the seconded offense and subsequent offenses.

- b. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time and when a limit is not specified, each ten days that prohibited conditions exist shall constitute separate offenses.
- c. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. No. 1604, 5-2-16)