



## Pottawattamie County, Iowa

# OPEN BURNING BAN ADMINISTRATION

### I. Purpose

Establish a consistent policy and lines of authority to mitigate the risk of wildland fire during periods of increased or significant fire potential.

### II. Authorities – Iowa Code

- §100.2 – Duties of fire officials.
- §100.40 – Marshal may prohibit open burning on request.
- §100.41 – Authority to cite violations.
- §29C – Emergency Management and Security.

### III. Situation

- A. Pottawattamie County has experienced the impacts of extreme fire conditions; the most significant occurring in March 2005 where fire consumed approximately four thousand acres of crop and grassland along a ten-mile axis. The wildfire destroyed four homes, several outbuildings, vehicles, and farm implements and resulted in a few minor injuries to firefighters. Damages exceeded four million dollars.
- B. This multi-jurisdictional policy is established to:
  1. Facilitate effective preparedness, response, and mitigation of wildfires that require multi-agency and multi-jurisdictional collaboration; and,
  2. Establish a unified administrative process to coordinate open burning bans with the Iowa State Fire Marshal.

### IV. Planning Assumptions and Factors

- A. The primary responsibility for fire protection operations rests with the jurisdictional “fire official” as defined in Iowa Code 100.2.
- B. It is the responsibility of the Emergency Management Agency to aid and assist local jurisdictions in emergency planning, response, recovery, and mitigation efforts to preserve life and property as defined in Iowa Code 29C, and as authorized by the Pottawattamie County Emergency Management Commission.

- C. The Pottawattamie County Firemen’s’ Association exists to coordinate fire protection efforts in Pottawattamie County.
- D. Pottawattamie County will encounter periods of increased or extreme fire potential and drought conditions that will require coordinated action to mitigate the risk of wildland fire.
- E. Open burn bans are a legal tool to assist in the mitigation of wildfire risk but will not eliminate that risk.

**V. Organization and Responsibilities**

- A. The Fire Chiefs Council of the county fire association is responsible for approving and modifying, in coordination with the Emergency Management Agency, this policy.
- B. Fire Department Chiefs or their designee are responsible for monitoring the fire risk within their fire district for the potential of wildland fire that would warrant the issuance of an open burning ban and communicate to the Emergency Management Agency when they assess that an open burning ban is warranted.
- C. The Emergency Management Director or designee will serve as the administrative point of contact to coordinate with the State Fire Marshal, public officials, and other stakeholders for the implementation and public information operations related to open burning bans.

**VI. Concept of Operations (CONOPS)**

- A. Monitoring - Fire Departments and Emergency Management personnel will monitor environmental conditions within the county for potential extreme fire risk.
- B. Open Burn Ban Implementation Process
  - 1. Fire Chiefs or their designee will report observed conditions that are conducive to increased wildfire risk to Emergency Management. If warranted, recommend the implementation of an open burning ban.
  - 2. Upon such notification and open burning ban inquiry, Emergency Management will survey all fire districts to determine the need for (or cancellation of) an open burning ban.
    - a. Only the Fire Chiefs within the county have the authority to determine the need for or cancellation of a ban. Emergency Management will serve as the administrative and coordinating agent between the fire districts, with stakeholders, and the public.

- b. Burn bans will only be issued on a countywide, all-or-nothing, basis and determined by way of a simple majority vote of the Fire Chiefs within the county.
- 3. Emergency Management will provide the State Fire Marshal with the required request and documentation for the issuance or cancellation of an open burning ban pursuant to Iowa Code §100.40.
- 4. Upon State Fire Marshal approval, Emergency Management will make the following notifications:
  - a. Fire Departments within the county
  - b. County Board of Supervisors
  - c. County Sheriff
  - d. Emergency Management Commission
  - e. 9-1-1 Communications Center
  - f. City Clerks
  - g. Emergency Management Agencies of contiguous counties
  - h. Area media outlets (television, radio, print)
  - i. Emergency Management social media accounts
  - j. Countywide phone, text, email alert (Alert Iowa system)
  - k. Establish a single event web page on the emergency management website
- C. Enforcement - Violation of an open burning ban is a simple misdemeanor and is enforceable by any peace officer of the state under their own authority or at the request of a Fire Chief or their designee (i.e., Incident Commander on scene, etc.).
- D. Exceptions by Permit
  - 1. A supervised, controlled burn during an open burn ban may be allowed only by permit in accordance with Iowa Code §100.40(3).
  - 2. Fire Chiefs or their designee may issue a permit when the Chief determines adequate safety precautions or conditions warrant a safe site and material to burn.
  - 3. Fire Chiefs shall use the countywide burn permit and permits must be issued and communicated prior to any burn.
  - 4. Fire Chiefs shall forward a copy of an issued and completed permit to the Emergency Management Agency who will provide the information to the 9-1-1 Center, Sheriff's Office, and document the authorized permit in the ban record.

5. For each permit issued, the Fire Chief shall require the permitted party follow all safety requirements on the permit, any additional local requirements added to the permit by the fire department, and to call 9-1-1 non-emergency (712-328-5737) to give notification when the burn is started and has ended. *Failure of the permittee to follow all directions as stated above shall render the issued permit void.*

E. Termination of Ban

1. Upon request of a Fire Chief or designee, and simple majority approval of Fire Chiefs, Emergency Management will request termination of the ban by the State Fire Marshal.
2. Upon termination of a ban, Emergency Management will make notification to all fire departments, the Sheriff's Office, and the public.

**VII. Logistics**

- A. Costs incurred regarding coordination and notifications shall be incurred by the Emergency Management Agency.
- B. Costs incurred for mileage or expenditures for environmental monitoring will be incurred by the agency performing the activity.
- C. Costs incurred for enforcement will be incurred by the agency performing the activity.

## IOWA CODE REFERENCES

### [§100.2 Duties of fire officials.](#)

The chief of the fire department or the chief's designee of every city or township in which a fire department is established or the chief of the fire department or the chief's designee responding to every township fire where there is a contract for fire protection in effect shall investigate into the cause, origin and circumstances of every fire occurring in the city or township by which property has been destroyed or damaged or which results in bodily injury to a person, and determine whether the fire was the result of natural causes, negligence or design. The state fire marshal may assist in the investigation or may direct the investigation if the fire marshal finds it necessary.

### [§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.

### [§100.41 Authority to cite violations.](#)

Fire officials acting under the authority of this chapter may issue citations in accordance with chapter 805, for violations of this chapter or a violation of a local fire safety code.

**Pottawattamie County Firemen's Association  
OPEN BURNING PERMIT**

This permit is only valid for the date listed below. A permit is required for each day/time and/or site of burning.

**ALL FIELDS ON THIS FORM ARE REQUIRED TO BE COMPLETED FOR THIS PERMIT TO BE VALID**

Issuing Fire Dept.: \_\_\_\_\_ Fire member completing form: \_\_\_\_\_

Member cell #: \_\_\_\_\_

Description of materials being burned:

Address/location of burn site (specific): \_\_\_\_\_

Date of burn: \_\_\_\_\_ Start Time of burn: \_\_\_\_\_ End Time (est.): \_\_\_\_\_

Purpose of burn: \_\_\_\_\_

Describe fire control and safety measures that will be in place:

Name of Person conducting burn: \_\_\_\_\_

Cell # of person conducting burn: \_\_\_\_\_

Property owner name: \_\_\_\_\_

**AUTHORIZATION:** I have reviewed this application and hereby APPROVE of the same. I have reviewed all fire control and safety measures with the permittee and require the following local precautions in addition to the standard requirements listed below:  
*(Put N/A if no additional local requirements)*

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Fire Chief or Designee Signature: \_\_\_\_\_ Title: \_\_\_\_\_

Date Approved: \_\_\_\_\_

**ACCEPTANCE:** In signing below, I acknowledge I have read and understood all conditions required with the issuance this permit and agree to all conditions. I understand that failure to comply with all conditions and instructions on this permit render this permit void and I will be subject to criminal citation for conducting an unauthorized burn during an open burn ban under Iowa Code Chapters 100 and/or 805 as well as any civil liability resulting from property damages, loss, or injuries to others.

Signature: \_\_\_\_\_ Printed Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Home Address: \_\_\_\_\_

**STANDARD REQUIREMENTS (Applicable to all issued permittees):**

- Call the 9-1-1 Center at 712-328-5737 to notify them when you start burning.
- Call the 9-1-1 Center when you have completely extinguished the fire.
- Clear combustible materials (dry grass, leaves, litter, etc.) from around your fire area.
- Your fire is NEVER to be left unattended.
- You **SHALL** have an emergency water source and/or tractor and disc at the burn site for its entirety.
- Fires shall not be left in a smoldering state and must be completely extinguished prior to your departure.