



OPEN BURNING GUIDELINES

Contact our office with clarifications or questions

The following is a generalized summary of the open burning rules effective in Linn County, Iowa. This summary is intended to assist the public in determining proper conduct as it relates to the open burning laws included in section 10.10 of the Linn County Ordinance. [Complete rules can be found on page 3 of this document.](#)

1. The following types of burning are allowed **without** a burning permit.
 - a. Fires used solely for cooking out or barbecuing of food and/or other legitimate recreational activities. These fires must be no larger than three feet in diameter and burn charcoal or clean wood material.
 - b. Camp fires and outdoor fireplaces burning clean wood material, when in association with camping out, cooking, or similar related recreational activities provided that these fires comply with all other sections of this ordinance and are no larger than three feet in diameter.
 - c. Fires for the disposal of residential waste (including landscape waste) in an approved container. **An approved container shall be any container which has a capacity that does not exceed 55 gallons in volume and has a one inch spaced wire or other suitable spark arresting device for the control of wind blown materials.**
 - d. Paper Seed Bags resulting from farm activities provided the burn site is located at least one-fourth mile from any inhabited building other than the landowner or tenant conducting the open burning, livestock area, wildlife area, or water source. The amount of paper seed bags that can be disposed of by open burning shall not exceed one day's accumulation or 50 pounds, whichever is less. However, when the burning of paper seed bags causes a nuisance, the Air Pollution Control Officer may take action to secure relocation of the burning operation.
2. Other types of burning are allowed but require an Open Burning Permit. Fires must burn "clean" and not produce dense black smoke.
 - a. Open Burning Permits can be applied for via in person, phone, or the Internet (see address above).
 - b. Open Burning Permits are **\$10.00 for a 30-day and \$25.00 for an annual permit**. Unless Linn County receives payment, all future burn permit requests will be denied until payment is received.
 - c. Open Burning Permits may also need to be signed by a representative of the fire department having jurisdiction of the proposed burn location and the health department to be valid. This depends on the fire district where the burn will take place.
 - d. Burning must be conducted during the date(s) specified on the permit.
 - e. Burning is to be conducted during daylight hours only (½ hour after sunrise until ½ hour before sunset).
 - f. Fires must be attended at all times during the burning. The attendant shall have the burning permit in his or her possession at the time of burning.
 - g. Burning must be conducted in a safe and reasonable manner with respect to neighbors and meteorological conditions. The use of accelerants is ill advised when meteorological conditions are not conducive to burning (i.e. rain, high winds, etc.)
 - h. Burning is restricted to **only** materials listed on the burning permit.
 - i. Before burning, notification must be given to the Linn County Sheriff's switchboard at 398-3911.

****Burning of buildings (i.e. houses, barns, etc.) has specific requirements prior to burn. Contact AQD for details.****
A demolition permit may also be required. Contact Planning & Development at (319) 892-5130 for details.

Restricted Materials:

The following list of materials **ARE NOT** allowed to be burned **with or without** an open burning permit. This list is not intended to be all-inclusive. This includes but is not limited to: recyclable goods and plastics, dead animals, waste oil, paint, plastics, rubber, tar, tar based roofing, creosote treated wood (i.e. railroad ties, fence posts, etc.), plastic pesticide containers containing heavy metals, Styrofoam, tires, commercially generated waste, etc. Commercially generated waste also includes trade waste materials remaining from the construction of new and/or remodeled homes (scrap lumber, paper, cardboard, siding, roofing materials, etc.).

Fines For Illegal Burning within Linn County:

1st Offense: \$100* + court costs

2nd Offense: \$200* + court costs

3rd Offense: up to \$10,000 per day of violation + court costs

* Section 10.24 of LCCO allows the County the right to impose a more severe penalty depending on circumstance

Court costs, as of December 15, 2009, range from \$50-\$85.

Open Burning Permits FAQ

Why do I need a burn permit?

Open burning is illegal in all 99 counties in Iowa. However, there are a limited number of open burning exemptions. In Linn County a burn permit is issued for these exemptions and necessary to provide Air Quality Division staff an inventory of where and when burning occurs. The permit system was initially set up to act as a deterrent from open burning, with the hope of residents finding more environmentally friendly means to dispose of waste materials. This also allows us to screen potentially illegal materials from being burned. The permit system has been in existence since the early 1970's

When is a burn permit required?

A burn permit is required for any fire that occurs on the ground with the exception of cooking and recreational fires that are less than three feet in diameter. The fire must meet one of the open burning exemptions (see next question). A burn permit is not required for fires in a burn barrel provided you are burning household waste as defined in the Linn County Ordinance.

What materials can I burn with a burn permit?

Only materials that IDNR and Linn County exempt. These include **ONLY** the following: agricultural structures, training fires, flare stacks, disaster rubbish, landscape wastes, ceremonial burning, trees & tree trimmings, and other burning such as native prairie.

What is clearing and grubbing, and may I burn landscape wastes associated with clearing and grubbing?

"Clearing and grubbing" may be defined as: "To dig up and remove trees, bushes, shrubs, etc. from the land of roots, stems, trunk and foliage in order to clear the land for planting, development, or other use." The burning of landscape waste produced in clearing and grubbing operations shall be limited to areas located at least one-quarter mile from any inhabitable building. A variance burn permit may be issued if all residents from surrounding properties located within one quarter of a mile from the burn site sign waiver indicating they do not object to the burn. This signature form, along with a list of all properties from which signatures may be obtained by contacting the Linn County Public Health Air Quality Division. This section of the Linn County Code of Ordinances is written to be consistent with the Iowa Department of Natural Resources rules and regulations regarding clearing and grubbing.

Does the Air Quality Division grant variances to the open burning rules?

Variance requests are granted on a case-by-case basis. Variances granted are extremely rare and must demonstrate a compelling reason for compromising air quality. No variances will be issued if it is reasonable to assume that the National Ambient Air Quality Standards (NAAQS) would be exceeded.

Why does it cost for a burn permit now, when before they were free?

As part of a countywide effort to minimize budget shortfalls, Linn County Public Health has implemented a user fee system for burning permits. This was deemed to be fair since it required individuals to pay a fee for their decision to burn rather than using an alternative disposal method. Industries and small businesses already pay between hundreds and hundreds of thousands of dollars annually for construction permitting and emissions fees. People wishing to avoid the burning permit user fee can always choose to dispose of their refuse in a more environmental friendly manner. Forty percent of the revenue generated is allocated to each of the 22 fire districts.

What are the penalties for burning illegally?

The first offense is \$100 plus court costs. The second offense is \$200 plus court costs. The Third offense is not to exceed \$10,000 per day for each day of the violation. Violations involving the burning of commercially generated waste, tires or other rubber materials, asphalt shingles or other asphalt materials, any material containing asbestos, or burning material hauled from other locations automatically carry a fine up to \$10,000 per day for each day of the violation.

Why must I call the Sheriff's Office prior to each burn?

The Linn County Sheriff's Department must be called as a courtesy to avoid the local fire departments and emergency personnel from being called out mistakenly at the report of a controlled burn.

Who can I call with questions relating to open burning?

Call the Linn County Public Health Department at 892-6000 and ask to speak to someone in the Air Quality Division regarding open burning.

Linn County Code of Ordinances, 10.10 "Open Burning"

- A. No person shall allow, cause or permit open burning of combustible materials, except as follows.
1. Open burning of the following types may be allowed provided a valid open burning permit is obtained.
 - a. Dangerous Materials. Fires for the disposal of dangerous materials or for the prevention of a fire hazard when other alternative methods of disposal are not available or impractical.
 - b. Training Fires. For the purpose of this paragraph, a "training fire" is a fire set for the purpose of conducting a bona fide training of public or industrial employees in fire fighting methods. For the purpose of this subparagraph, "bona fide training" means training that is conducted according to the National Fire Protection Association 1403 Standard on Live Fire Training Evolutions (2002 Edition), or a comparable training fire standard. A training fire may be conducted, provided that all of the following conditions are met:
 1. A training fire on a building is conducted with the building structurally intact
 2. The training fire does not include the controlled burning of a demolished building.
 3. If the training fire is to be conducted on a building, written notification must be provided to the Director and the Department on IDNR Form 542-8010, "Notification of an Iowa Training Fire-Demolition or a Controlled Burn of a Demolished Building," and must be postmarked or delivered to the Director at least ten working days before such action commences.
 4. Notification shall be made in accordance with 40 CFR Section 61.145 as amended through January 16, 1991, which is the "Standard for Demolition and Renovation" of the asbestos National Emission Standard for Hazardous Air Pollutants.
 5. All asbestos-containing material shall be removed prior to the training fire.
 6. Asphalt shingles may be burned in a training fire only if notification to the Director contains testing results indicating that none of the layers of asphalt shingles contain asbestos. During each calendar year, each fire department may conduct no more than two training fires on buildings where asphalt shingles have not been removed, provided that for each of those training fires the asphalt roofing material present has been tested to ensure that it does not contain asbestos.
 7. Rubber tires and other trash or garbage materials are not allowed substances for inclusion in training fires.
 8. A copy of all asbestos test results shall be submitted to the Department. The Air Pollution Control Officer reserves the authority to inspect the proposed burning premises to verify compliance with the above listed requirements before issuing the open burning permit. The Air Pollution Control Officer may deny any training fire request based on factors such as public health, air quality in the vicinity and effects to the local environment or where evidence suggests that allowing the burning would cause the violation of any National Ambient Air Quality Standards.
 - c. Agricultural Structures. The open burning of agricultural structures, provided that the open burning occurs on the premises, and for agricultural structures located within a city or town, at least one-fourth mile from any building inhabited by a person other than the landowner, a tenant, or an employee of the landowner or tenant conducting the open burning unless a written waiver in the form of an affidavit is submitted by the owner of the building to the Department prior to the open burning. All chemicals and asphalt shingles shall be removed. All structures shall be inspected for suspect asbestos content by a state certified asbestos inspector. All asbestos-containing material shall be removed prior to burning. Burning shall be conducted only when weather conditions are favorable with respect to surrounding property. Tires shall not be used to ignite agricultural structures. The asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP), as amended through January 16, 1991, requires that burning of agricultural structures to be conducted in accordance with 40 CFR Section 61.145, "Standard for Demolition and Renovation."

For the purposes of this sub-rule, "agricultural structures" means barns, machine sheds, storage cribs, animal confinement buildings, and homes located on the premises and used in conjunction with crop production, livestock or poultry raising and feeding operations. "Agricultural structures," for asbestos NESHAP purposes, includes all of the above, with the exception of a single residential structure on the premises having four or fewer dwelling units, which has been used only for residential purposes.

- d. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists.
- e. Flare Stacks. The open burning or flaring of waste gases, providing such open burning or flaring is conducted in compliance with §10.7 of this ordinance.
- f. Landscape Wastes. Fires set for the disposal of landscape wastes including grass, leaves, weeds, trees, tree limbs, natural growth for land clearing, agricultural wastes, etc. providing these fires comply with §10.7 of this ordinance. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth mile from any building inhabited by other than the landowner or tenant conducting the open burning. Burning shall be conducted when weather conditions are favorable with respect to surrounding property. Rubber tires shall not be used to ignite landscape waste. The open burning of landscape waste is limited to the property where such waste is generated.
- g. Ceremonial Burning. Fires for ceremonial/recreational purposes such as American Legion flag burning, pep rallies, religious ceremonies, etc. These fires must be under the legitimate sponsorship of a bona fide civic, fraternal, religious, educational, or similar organization and must comply with §§10.7 and 10.11 of this ordinance.
- h. Trees and Tree Trimmings. The open burning of trees and tree trimmings not originated on the premises provided that the burning site is operated by a local governmental entity, the burning site is fenced and access is controlled, burning is conducted on a regularly scheduled basis and is supervised at all times, burning is conducted only when weather conditions are favorable with respect to surrounding property, and the burning site is limited to areas at least one-quarter mile from any inhabited building unless a written waiver in the form of an affidavit is submitted by the owner of the building to the Department and to the local governmental entity prior to the first instance of open burning at the site. The written waiver shall become effective only upon recording in the office of the recorded of deeds of the county in which the inhabited building is located. When the open burning of trees and tree trimmings causes air pollution as defined in Iowa Code section 455B.131(3), the Department may take appropriate action to secure relocation of the burning operation. Rubber tires shall not be used to ignite trees and tree trimmings.
- i. Other Burning. Other open burning such as, but not limited to, native prairie management may be allowed on a case by case basis, through the issuing of an open burning permit, provided the Air Pollution Control Officer has determined that the burning will not adversely effect the air quality or will not violate any sections of this Ordinance and is reasonable and practical as compared to other alternatives available.

2. Open Burning Permits shall be issued by the Linn County Air Pollution Control Officer and the Fire Chief of the fire district having jurisdiction at the place of burning.

Every application for an open burning permit required under §10.10 shall be filed in the manner and form prescribed by the Air Pollution Control Officer.

Fees for Open Burning Permits shall be recommended by the Air Pollution Control Officer and be established by resolution of the Linn County Board of Supervisors, except federal, state, or local government agencies or public districts are not required to pay such fee.

Open Burning Permits are valid provided the following conditions are met and maintained:

- a. The permit fee has been paid. Fees not paid in person shall be deemed paid on the date of mailing;
- b. Open burning permits must be signed by the Air Pollution Control Officer;
- c. Burning is authorized during the dates stated on the permit which shall be for periods no less than thirty (30) days and no greater than one (1) year;
- d. Unless otherwise approved by the Fire Chief having jurisdiction, burning shall be conducted during the hours of one half hour after sunrise until one half hour before sunset. The Linn County Sheriff's Department shall be notified upon such approval by the permit applicant;
- e. Burning is conducted in a safe and reasonable manner so as not to endanger life or property;
- f. Fires must be attended by the permit applicant or his/her agent at all times, this person shall have the burning permit in their possession at the time of burning;

- g. The Air Pollution Control Officer shall have the authority to deny issuance of an Open Burning Permit to any person who has failed to pay the fee for a previously issued Open Burning Permit; who has been previously cited for any violation of this Ordinance and has failed to pay in full all fines, court costs and restitution entered as a judgment against them or who is not current with any Court ordered payment plan for such fines, court costs and restitution. This provision does not limit the Air Pollution Control Officer's power to otherwise collect unpaid fees, fines, court costs and restitution.

3. The following types of open burning are exempt and may be conducted without an open burning permit.

a. Open burning used solely for cooking, heating, and/or other recreational activities. These fires must be no larger than three feet in diameter and must burn charcoal or untreated wood. Wood must also be free of all leaves, needles or other vegetative matter. These fires must comply with §10.7.

b. Camp fires and outdoor fireplaces burning untreated wood material, when in association with camping out, cooking, or similar related recreational activities provided that these fires comply with all other sections of this Ordinance and are no larger than three feet in diameter.

c. Fires for the disposal of residential waste, but not to include rubber, tires, asphalt compounds or garbage at dwellings of four family units or less, in which fires are maintained by the occupant of the dwelling and the burning is conducted in an approved container. An approved container shall be any container which has a capacity that does not exceed 55 gallons in volume and has a one inch spaced wire or other suitable spark arresting device for the control of wind blown materials.

No person shall allow, cause or permit fires for the disposal of household rubbish at dwellings of more than four family units.

d. Paper Seed Bags. The disposal by open burning of paper seed bags resulting from farming activities occurring on the premises. Such open burning shall be limited to areas located at least one-fourth mile from any building inhabited by other than the landowner or tenant conducting the open burning, livestock area, wildlife area, or water source. The amount of paper seed bags that can be disposed of by open burning shall not exceed one day's accumulation or 50 pounds, whichever is less. However, when the burning of paper seed bags causes a nuisance, the Air Pollution Control Officer may take action to secure relocation of the burning operation.

e. Fire Extinguisher Training. For the purpose of this paragraph, a "training fire" is a fire set for the purpose of conducting a bona fide training of public or industrial employees in fire fighting methods. For the purpose of this subparagraph, "bona fide training" means training that is conducted according to the National Fire Protection Association 1403 Standard on Live Fire Training Evolutions (2002 Edition), or a comparable training fire standard. A training fire may be conducted, provided that all of the following conditions are met:

1. The training fire is to be conducted in an approved container not to exceed 55 gallons in volume for educational and safety purposes on the proper use of a fire extinguisher.
2. Material(s) used in the training fire shall be limited to diesel fuel, gasoline, or a combination of both.

4. Variance from rules. Any person wishing to conduct open burning of materials not listed in 10.10(A)(1) may make application for a variance as specified in §10.15. In addition to requiring the information specified in §10.15, the Air Pollution Control Officer may require any person applying for a variance from the open burning rules to submit adequate documentation to allow the Air Pollution Control Officer to assess whether granting the variance will hinder attainment of a National Ambient Air Quality Standard (NAAQS).

B. Unavailability of Exemptions in Certain Areas. Notwithstanding §10.10(A)(1)(f) and §10.10(A)(3)(c) of this ordinance, no person shall allow, cause or permit the open burning of residential waste, including landscape waste and leaves, **within the city limits of Cedar Rapids, Hiawatha or Marion, Iowa.**

1. Notwithstanding §10.10(A)(1)(f), and §10.10(A)(3)(c) of this ordinance, no person shall allow, cause or permit the open burning of residential waste, including landscape waste and leaves, within one half mile of Cedar Rapids, Hiawatha or Marion, Iowa which is classified as Urban Services Residential (USR) district in accordance with the Unified Development Code or otherwise incorporated. The effective date of this rule is January 1, 2009.

C. Any fire in violation of this Ordinance may be ordered extinguished by any agency designated by the Air Pollution Control Officer. This provision shall not limit the Air Pollution Control Officer from seeking penalties provided for in this Ordinance.

DEFINITIONS

“Backyard burning” means the disposal of residential waste by open burning on the premises of the property where such waste is generated.

“Clearing and grubbing” means to dig up and remove trees, bushes, shrubs, etc. from the land of roots, stems, trunk and foliage in order to clear the land for planting, development, or other use.

“Garbage” means all solid and semisolid putrescible and nonputrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing and serving of food or of material intended for use as food, but excluding recognized industrial by-products.

“Landscape waste” means any vegetable or plant wastes except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

“Open burning” means any burning of combustible materials where the products of combustion are emitted into the open air without passing through a stack or chimney.

“Particulate matter” means any material, except uncombined water, that exists in a finely divided form as a liquid or solid at standard conditions.

“Refuse” means garbage, rubbish and all other putrescible and nonputrescible wastes, except sewage and water-carried trade wastes.

“Residential waste” means any refuse generated on the premises as a result of residential activities. The term includes landscape waste grown on the premises or deposited thereon by the elements, but excludes garbage, tires, trade wastes, and any locally recyclable goods or plastics.

“Rubbish” means all waste materials of nonputrescible nature.

“Smoke” means gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon, and other combustible material, or ash, that forms a visible plume in the air.

“Trade waste” means any refuse resulting from the prosecution of any trade, business, industry, commercial venture (including farming and ranching), or utility or service activity, and any governmental or institutional activity, whether or not for profit.

“Untreated” as it refers to wood or wood products includes only wood or wood products that have not been treated with compounds such as, but not limited to, paint, pigment-stain, adhesive, varnish, lacquer, or resin or that have not been pressure treated with compounds such as, but not limited to, chromate copper acetate, pentachlorophenol or creosote. “Untreated” as it refers to seeds, pellets, or other vegetative matter includes only seeds, pellets or other vegetative matter that has not been treated with pesticides or fungicides.

“Variance” means a temporary waiver from rules, ordinances, or standards granted by the Air Pollution Control Officer for a specified period of time governing the quality, nature, duration, or extent of emissions.