

CITY OF MERRILL, IOWA
ORDINANCE NO. 105.05

ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE CITY OF MERRILL, IOWA, 2013, BY AMENDING
PROVISIONS OF ORDINANCE NO. 105.05(4) PERTAINING TO
RECREATIONAL FIRES CONSTITUTING AN EXCEPTION TO THE OPEN
BURNING ORDINANCE

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

SECTION ONE. SECTION MODIFIED. Section 105.05(4) of the Code of Ordinances of the City of Merrill, Iowa, 2013 is amended by adding new sections 105.05(4)(A-H), constituting specific provisions referencing recreational fires which is hereby adopted to read as follows:

105.5(4) RECREATIONAL FIRES. Open fires for cooking, heating, recreation and ceremonies provided they comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources. Rubber tires shall not be burned in a recreational fire.

- A. Recreational fires constituting an exception to the open burning restriction shall, for purposes of this section, be defined specifically to include bon fires and open pit fires and/or containers wherein said bon fires and/or open pit fires be contained subject to the prohibitions specified herein.
- B. Said recreational fire or containers containing the same shall not be used on a combustible surface such as a wooden deck.
- C. All such fires shall be constantly attended by responsible adult until the fire is extinguished.
- D. All such recreational fires shall be immediately extinguished at anytime when the wind speed exceeds 15 mph, or if wind carries embers or sparks creating a potential for fire extension.
- E. All of said recreational fires shall be immediately extinguished if requested by the Merrill City Fire Chief or Assistant Fire Chief due to any unsafe conditions as determined by said City Officials.
- F. Only clean, dry firewood or charcoal may be used for such recreational fires. Yard waste and other debris are strictly prohibited. The use of flammable or combustible liquids, other than commercially produced charcoal lighter fluid to start the fire is strictly prohibited.
- G. No recreational fire located in any fire pit or other such container shall be within fifteen (15) feet of any building structure or public right of way.
- H. Approved containers for such recreational fires shall be defined as devices specifically designed for the use of burning wood or charcoal including but

not limited to portable fire places, fire pits or chimneas. All portable devices shall be equipped with a functional spark arrestor (i.e. screen or chimney). An approved container made of stone, metal or ceramic construction designed for the purpose of containing a fire shall also be permitted provided the total fuel area does not exceed 3 feet in diameter and 2 feet in height. Wood contained in permissible fires shall be no more than 3 feet in length.

SECTION TWO. REPEALER. All ordinances or parts of Ordinances in conflict with the provisions stated in this Ordinance amendment are hereby repealed.

SECTION THREE. SEVERABILITY CLAUSE. If any 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 FOUR. WHEN EFFECTIVE. This Ordinance shall be in full force and effect from and after its final passage, approval and publication as provided by law.

PASSED by the City Council of the City of Merrill, Iowa this 17TH day of April, 2017.

APPROVED by the City Council of the City of Merrill, Iowa this 17TH day of April, 2017.

CITY OF MERRILL, IOWA

ATTEST:

BY: 
RICHARD HUSMAN, MAYOR


MARGARET MARIENAU, CITY CLERK

First Reading: 04/17/2017
Second Reading: Waived
Third Reading: Waived

I CERTIFY that the foregoing is published by posting as Ordinance Chapter 105.05(4) (A-H) on the 17th day of April, 2017.


MARGARET MARIENAU, CITY CLERK