



**PROCLAMATION
OPEN BURNING PROHIBITED**

ON **FEBRUARY 27, 2024**, THE OFFICE OF THE STATE FIRE MARSHAL RECEIVED A REQUEST PURSUANT TO IOWA CODE 100.40(1) (1995) FROM **JACOB ZUERCHER AND THEODORE NELLER**, REPRESENTING **THE NEW VIRGINIA FIRE DEPARTMENT AND THE INDIANOLA FIRE DEPARTMENT** HAVING ALL OR PART OF THEIR FIRE DISTRICT WITHIN **WARREN COUNTY**, THAT THE STATE FIRE MARSHAL PROHIBIT OPEN BURNING IN THE **NEW VIRGINIA FIRE DISTRICT AND THE INDIANOLA FIRE DISTRICT IN WARREN COUNTY**. UPON INVESTIGATION THE FIRE MARSHAL FINDS THAT CONDITIONS IN THE **NEW VIIRGINIA FIRE DISTRICT AND THE INDIANOLA FIRE DISTRICT IN WARREN COUNTY** ARE SUCH THAT OPEN BURNING CONSTITUTES A DANGER TO LIFE OR PROPERTY.

IT IS THEREFORE ORDERED THAT NO PERSON SHALL ENGAGE IN OPEN BURNING THE **NEW VIRGINIA FIRE DISTRICT AND THE INDIANOLA FIRE DISTRICT IN WARREN COUNTY**, EFFECTIVE **FEBRUARY 27, 2024 AT 8:00 AM** EXCEPT AS SPECIFICALLY PERMITTED BY IOWA CODE 100.40(3) UNTIL SUCH TIME AS **JACOB ZUERCHER AND THEODORE NELLER**, REPRESENTING The **NEW VIRGINIA FIRE DEPARTMENT AND THE INDIANOLA FIRE DEPARTMENT** HAVING ALL OR PART OF THEIR FIRE DISTRICT WITHIN **WARREN COUNTY**, NOTIFIES THE STATE FIRE MARSHAL THAT SUCH CONDITIONS DANGEROUS TO LIFE OR PROPERTY NO LONGER EXISTS.

NOTICE IS HEREBY GIVEN THAT PURSUANT TO IOWA CODE 100.40(2) ANY VIOLATION OF THIS PROCLAMATION ORDER IS A SIMPLE MISDEMEANOR.

Tuesday, February 27, 2024

Dan Wood

A handwritten signature in black ink that reads "Dan Wood".

STATE FIRE MARSHAL

cc: Sheriff's Department
Dept. of Natural Resources
Emergency Management

IOWA CODE SECTION 100.40

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.*