



Doc ID: 001650050028 Type: LAN
Recorded: 09/28/2005 at 11:46:55 AM
Fee Amt: \$0.00 Page 1 of 28
Marshall County Iowa
Kathleen K. Baker Recorder

File **2005-00006942**

28 pages 11/20/05



Prepared by: Leland H. Searle, Marshall County Auditor, Courthouse, Marshalltown, Iowa 50158 641/844-2710
Return Document to: Marshall County Board of Supervisors' Office

C E R T I F I C A T E

MARSHALL COUNTY ORDINANCE # 26
FIRE PROTECTION ORDINANCE FOR MARSHALL COUNTY, IOWA

STATE OF IOWA)
) ss:
COUNTY OF MARSHALL)

I, Leland H. Searle, County Auditor of said County do hereby certify that as
County Auditor, I have in my possession and under my control, the official proceedings
of the Marshall County Board of Supervisors, and that the paper to which this certificate
is attached is a true and correct extract of records pertaining thereto.

- A. Extract of Board of Supervisors' proceedings, Regular Session, June 14, 2005, First Reading of Proposed Ordinance No. 26, Fire Protection Ordinance for Marshall County, Iowa and Set Date for Public Hearing. (Delayed to June 28, 2005.)
- B. Affidavits of Publication, notice of public hearing, published July 14, 2005, in the Marshalltown Times-Republican Newspaper, Marshalltown, Iowa and in the Mid Iowa Enterprise Newspaper, State Center, Iowa.
- C. Extract of Board of Supervisors' proceedings, Regular Session, June 28, 2005, First Reading, of Proposed Ordinance No. 26, Fire Protection Ordinance for Marshall County, Iowa (Revised) and Set Date for Public Hearing.
- D. Extract of Board of Supervisors' proceedings, Regular Session, July 12, 2005, Second Reading, Proposed Ordinance No. 26, Fire Protection Ordinance for Marshall County, Iowa.

- E. Extract of Board of Supervisors' proceedings, Regular Session, July 26, 2005, Third Reading and Public Hearing - Proposed Ordinance No. 26, Fire Protection Ordinance for Marshall County, Iowa. (Revised Proposed Ordinance No. 26 and Tabled Third Reading & Public Hearing Until August 23, 2005.)
- F. Affidavits of Publication, notice of public hearing, published August 11, 2005, in the Marshalltown Times-Republican Newspaper, Marshalltown, Iowa and in the Mid Iowa Enterprise Newspaper, State Center, Iowa.
- G. Extract of Board of Supervisors' proceedings, Regular Session, August 23, 2005, Third Reading of Proposed Ordinance No. 26, Fire Protection Ordinance for Marshall County, Iowa, and Public Hearing.
- H. Affidavits of Publication, Adoption of Ordinance No. 26, Fire Protection Ordinance for Marshall County, Iowa, published September 1, 2005, in the Marshalltown Times-Republican Newspaper, Marshalltown, Iowa and the Mid Iowa Enterprise Newspaper, State Center, Iowa.
- I. Letter from Marshall County Fire Chiefs requesting a Fire Protection Ordinance be adopted.

Dated at Marshalltown, Iowa this 28th day of September, 2005.





Leland H. Searle
Marshall County Auditor

**Marshall County Board of Supervisors Proceedings
Regular Session June 14, 2005, at 8:45 a.m.**

The Board met in regular session on June 14, 2005, at 8:45 a.m. in Meeting Room #2, 3rd Floor, northeast corner of the Courthouse with all members present.

* * *

First Reading of Proposed Ordinance No. 26, Fire Protection Ordinance for Marshall County, Iowa—

The Marshall County Board of Supervisors is considering the adoption of Ordinance No.26, Fire Protection Ordinance for Marshall County, Iowa, after recommendation from the Marshall County Fire Chiefs.

Now, Therefore Be It Resolved, by the Marshall County Board of Supervisors that this be considered the first reading of the proposed Fire Protection Ordinance for Marshall County, Iowa:

STATEMENT OF INTENT

Iowa law allows Marshall County residents to burn items on their real property. County fire protection officials would benefit by receiving advance notice of planned open burning by property owners.

This Ordinance encourages efficient use of fire protection resources. The Ordinance will define a controlled and uncontrolled burn; create uniform procedures for advance notice of planned open burning and establish penalties when such advance notice is not provided.

ADVANCE NOTICE REQUIREMENT

Every person, firm, corporation, or government entity shall provide advance notice to the Marshall County Communications Center before kindling or burning any building, structure, farm land, pasture (including Crop Reserve Program (CRP acres), or other rural ground or woodland.

DEFINITIONS

- A) Advance Notice: Communications with the Fire Chief of the jurisdiction and of the County Communications Center that a burn will be held on a specific date and place. Communication shall be made at least two (2) hours in advance of the burn.

- B) Controlled Burn: A supervised burn.
- C) Uncontrolled Burn: An intentional or unintentional burn which is not supervised by anyone.

EXCEPTIONS

Nothing in this Ordinance shall be deemed to apply to the following situations:

- A) Use of an outdoor fire for cooking.
- B) Barbecue grills.
- C) Outdoor fireplaces.
- D) Burning of normal yard waste or trash is allowed, IF done in incinerators or trash burners made of metal, concrete, or heavy one inch wire mesh with openings less than one square inch.

Proposed Change: D) Supervised burning of normal yard waste is allowed.

E) Supervised burning of trash is allowed, IF done in incinerators or trash burners made of metal, concrete, or heavy one inch wire mesh with openings less than one square inch.

PENALTIES

- A) Any responsible party in violation of this Ordinance shall be deemed to have committed a County infraction. A County infraction is a civil offense not punishable by jail or imprisonment.
- B) A responsible party must pay a civil penalty of fifty dollars (\$50.00) for a first violation in a calendar year; one hundred dollars (\$100.00) for a second violation in a calendar year; and two hundred-fifty dollars (\$250.00) for a third and any subsequent violation in a calendar year.
- C) All civil penalties shall be paid to the Marshall County Clerk of Court. Willful failure to pay the civil penalty or willful violation of the terms of a Court order is punishable by Contempt of Court as described in Iowa Code, Chapter 665.
- D) Notice of a County infraction shall conform to the 2005 Iowa Code, Section 331.307(4) and any amendments to such law.
- E) Court procedure for a County infraction shall conform to the 2005 Iowa Code, Section 331.307(5-7) and any amendments to such law.
- F) The issuance of a County infraction or the ensuing court proceedings does not provide an action for false arrest, false imprisonment, or malicious prosecution.

- G) This Ordinance does not preclude a peace officer or fire official from exercising his or her discretion and issuing a criminal citation for a violation of applicable State law in lieu of issuing a civil citation for a County infraction.

SEVERABILITY

If any provision of this Ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application. The provisions of this Ordinance are severable.

CITY FIRE REGULATIONS SUPERCEDE

This Ordinance is intended to apply to both the incorporated and unincorporated territory of Marshall County. However, if any city or incorporated territory in Marshall County has such fire regulations, then such local fire regulations supersede this Ordinance.

EFFECTIVE DATE

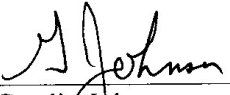
This Ordinance shall be in full force and effect thirty (30) after its passage and publication as required by law.

Be It Further Resolved, that such Ordinance shall not be effective until a public hearing is held at 9:00 a.m. on the 12th day of July, 2005, with notice of the public hearing published in the Marshalltown Times-Republican and the State Center Enterprise-Record, at least four (4) but not more than twenty (20) days prior to the above date, and the Board adopts the third reading of the proposed Fire Protection Ordinance for Marshall County, Iowa, and it is published.

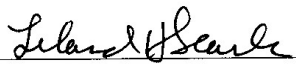
Dated at Marshalltown, Iowa this 14th day of June, 2005.

Motion by Soorholtz, second by Goecke, to delay the first reading, due to probable amendments, (see EXCEPTIONS, D) & E), of the proposed Fire Protection Ordinance for Marshall County, Iowa to June 28, 2005.

Roll call vote:	Johnson-Aye	Goecke-Aye	Soorholtz-Aye
	Chairman	Vice Chairman	Member



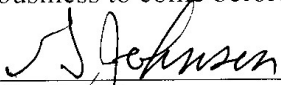
Gordie Johnson
Board of Supervisors, Chairman

Attest: 

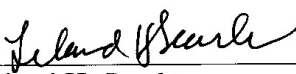
Leland H. Searle
Marshall County Auditor

* * *

Adjournment--The next regular meeting is June 28, 2005, 9:00 a.m. All business to be acted upon at that session should be submitted to the County Auditor's Office or the Board of Supervisors' Office by June 23, 2005, at 1:00 p. m. There being no further business to come before the Board, the meeting is adjourned.



Gordie Johnson
Board of Supervisors, Chairman

Attest: 

Leland H. Searle
Marshall County Auditor

Affidavit of Publication

STATE OF IOWA,
Marshall County, ss.

Marshall Co. Board of Supervisors

Ordinance NO. 26

I, Phylliss Troutner, being first duly sworn, on oath depose and say that Marshalltown Newspaper, Inc. is a corporation for pecuniary profit organization under the law of the State of Iowa, with its principal place of business in Marshalltown, Iowa; that the "Times-Republican" is a daily newspaper of general circulation printed wholly in the English language and published by said corporation at the city of Marshalltown, in Marshall County, Iowa; that I am the Office Manager of said corporation and a full time employee of the said newspaper, and have personal knowledge of the facts stated herein; that the Notice hereto attached in the above entitled action was published in the regular daily edition of the said "Times-Republican" once each week for one consecutive weeks on the days and dates as follows, to-wit:

July 14, 2005

Statutory fees for publishing said notice are:

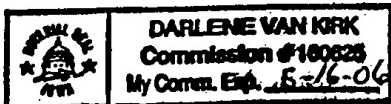
59.83

Phylliss Troutner

Sworn to before me and subscribed in my presence by the said Phylliss Troutner this 14th day of July, 2005.

Darlene Van Kirk

Darlene Van Kirk, Notary Public
Marshall County, Iowa



PUBLIC NOTICE NOTICE OF PUBLIC HEARING MARSHALL COUNTY ORDINANCE #26, FIRE PROTECTION ORDINANCE FOR MARSHALL COUNTY, IOWA

You are hereby notified that the Marshall County Board of Supervisors is considering the adoption of proposed Marshall County Ordinance No. 26, Fire Protection Ordinance of Marshall County, Iowa. The proposed Ordinance is as follows:

STATEMENT OF INTENT

Iowa law allows Marshall County residents to burn items on their real property. County fire protection officials would benefit by receiving advance notice of planned open burning by property owners.

This Ordinance encourages efficient use of fire protection resources. The Ordinance will define a controlled and uncontrolled burn; create uniform procedures for advance notice of planned open burning and establish penalties when such advance notice is not provided.

ADVANCE NOTICE REQUIREMENT

Every person, firm, corporation, or government entity shall provide advance notice to the Marshall County Communications Center before kindling or burning any building, structure, farm land, pasture (including Crop Reserve Program (CRP acres)), or other rural ground or woodland.

DEFINITIONS

A) Advance Notice: Communications with the Fire Chief of the jurisdiction and of the County Communication Center that a burn will be held on a specific date and place. Communication shall be made at least two (2) hours in advance of the burn.

B) Controlled Burn: A supervised burn.

C) Uncontrolled Burn: An intentional or unintentional burn which is not supervised by anyone.

EXCEPTIONS

Nothing in this Ordinance shall be deemed to apply to the following situations:

A) Use of an outdoor fire for cooking.

B) Barbecue grills.

C) Outdoor fireplaces.

D) Supervised burning of normal yard waste is allowed.

E) Supervised burning of trash is allowed, IF done in incinerators or trash burners made of metal, concrete, or heavy one inch wire mesh with openings less than one square inch.

PENALTIES

A) Any responsible party in violation of this Ordinance shall be deemed to have committed a County infraction. A County infraction is a civil offense not punishable by jail or imprisonment.

B) A responsible party must pay a civil penalty of fifty dollars (\$50.00) for a first violation in a calendar year; one hundred dollars (\$100.00) for a second violation in a calendar year; and two hundred-fifty dollars (\$250.00) for a third and any subsequent violation in a calendar year.

C) All civil penalties shall be paid to the Marshall County Clerk of Court. Willful failure to pay the civil penalty or willful violation of the terms of a Court order is punishable by Contempt of Court as described in Iowa Code, Chapter 665.

D) Notice of a County infraction shall conform to the 2005 Iowa Code, Section 331.307(4) and any amendments to such law.

E) Court procedure for a County infraction shall conform to the 2005 Iowa Code, Section 331.307(5-7) and any amendments to such law.

F) The issuance of a County infraction or the ensuing court proceedings does not provide an action for false arrest, false imprisonment, or malicious prosecution.

G) This Ordinance does not preclude a peace officer or fire official from exercising his or her discretion and issuing a criminal citation for a violation of applicable State law in lieu of issuing a civil citation for a County infraction.

SEVERABILITY

If any provision of this Ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the Ordinance which can be given effect without the invalid provision or application. The provisions of this Ordinance are severable.

CITY FIRE REGULATIONS SUPERSEDE

This Ordinance is intended to apply to both the incorporated and unincorporated territory of Marshall

county. However, if any city or incorporated territory in Marshall County has such fire regulations, then such local fire regulations supersede this Ordinance.

EFFECTIVE DATE

This Ordinance shall be in full force and effect thirty (30) days after its passage and publication as required by law.

You are further notified that the Marshall County Board of Supervisors will hold a public hearing thereon at 9:00 A.M., on Tuesday, July 26, 2005, in Meeting Room #2, third floor, northeast corner of the Courthouse, Marshalltown, Iowa. You may submit comments in writing prior to the hearing, or appear to give oral or written comments at the hearing.

Take notice and govern yourselves accordingly.

Dated at Marshalltown, Iowa, this 1st day of July, 2005.

Leland H. Searle
Marshall County Auditor

PUBLIC NOTICE
NOTICE OF PUBLIC HEARING
MARSHALL COUNTY ORDINANCE #26
FIRE PROTECTION ORDINANCE FOR
MARSHALL COUNTY, IOWA

You are hereby notified that the Marshall County Board of Supervisors is considering the adoption of proposed Marshall County Ordinance No. 26, Fire Protection Ordinance for Marshall County, Iowa. The proposed Ordinance is as follows:

STATEMENT OF INTENT

Iowa law allows Marshall County residents to burn items on their real property. County fire protection officials would benefit by receiving advance notice of planned open burning by property owners.

This Ordinance encourages efficient use of fire protection resources. The Ordinance will define a controlled and uncontrolled burn; create uniform procedures for advance notice of planned open burning and establish penalties when such advance notice is not provided.

ADVANCE NOTICE REQUIREMENT

Every person, firm, corporation, or government entity shall provide advance notice to the Marshall County Communications Center before kindling or burning any building, structure, farm land, pasture (including Crop Reserve Program (CRP) acres), or other rural ground or woodland.

DEFINITIONS

Advance Notice: Communications with the Fire Chief of the jurisdiction and of the County Communications Center that a burn will be held on a specific date and place. Communication shall be made at least two (2) hours in advance of the burn.

Controlled Burn: A supervised burn.

Uncontrolled Burn: An intentional or unintentional burn which is not supervised by anyone.

EXCEPTIONS

Nothing in this Ordinance shall be deemed to apply to the following situations:

Use of an outdoor fire for cooking.

Barbecue grills.

Outdoor fireplaces.

Supervised burning of normal yard waste is allowed.

Supervised burning of trash is allowed, IF done in incinerators or trash burners made of metal, concrete, or heavy one inch wire mesh with openings less than one square inch.

PENALTIES

Any responsible party in violation of this Ordinance shall be deemed to have committed a County infraction. A County infraction is a civil offense not punishable by jail or imprisonment.

B) A responsible party must pay a

civil penalty of fifty dollars (\$50.00) for a first violation in a calendar year; one hundred dollars (\$100.00) for a second violation in a calendar year; and two hundred-fifty dollars (\$250.00) for a third and any subsequent violation in a calendar year.

C) All civil penalties shall be paid to the Marshall County Clerk of Court. Willful failure to pay the civil penalty or willful violation of the terms of a Court order is punishable by Contempt of Court as described in Iowa Code, Chapter 665.

Notice of a County infraction shall conform to the 2005 Iowa Code, Section 331.307(4) and any amendments to such law.

Court procedure for a County infraction shall conform to the 2005 Iowa Code, Section 331.307(5-7) and any amendments to such law.

The issuance of a County infraction or the ensuing court proceedings does not provide an action for false arrest, false imprisonment, or malicious prosecution.

This Ordinance does not preclude a peace officer or fire official from exercising his or her discretion and issuing a criminal citation for a violation of applicable State law in lieu of issuing a civil citation for a County infraction.

SEVERABILITY

If any provision of this Ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application. The provisions of this Ordinance are severable.

CITY FIRE REGULATIONS SUPERCEDE

This Ordinance is intended to apply to both the incorporated and unincorporated territory of Marshall County. However, if any city or incorporated territory in Marshall County has such fire regulations, then such local fire regulations supersede this Ordinance.

EFFECTIVE DATE

This Ordinance shall be in full force and effect thirty (30) after its passage and publication as required by law.

You are further notified that the Marshall County Board of Supervisors will hold a public hearing thereon at 9:00 A.M., on Tuesday, July 26, 2005, in Meeting Room #2, third floor, northeast corner of the Courthouse, Marshalltown, Iowa. You may submit comments in writing prior to the hearing, or appear to give oral or written comments at the hearing.

Take notice and govern yourselves accordingly.

Dated at Marshalltown, Iowa, this 1st day of July, 2005.

Leland H. Searle
Marshall County Auditor

PROOF OF
PUBLICATION OF

Notice of Public

Hearing MC-Ord 26

Fire Protection Ord.

STATE OF IOWA)
MARSHALL COUNTY)

John C. Strawn being first duly sworn on his oath deposes and states that he is the publisher of the

MID IOWA ENTERPRISE
a weekly newspaper of general circulation, published wholly in the English language and printed and published in

State Center, Iowa

which is within the County of Marshall, and State of Iowa; and the printed notice hereto attached is a true copy of the

Notice

and was published in the regular edition of said newspaper once each week on the same day of the week, one publication thereof being had on each of the following dates:

7-14-05

John C. Strawn

Publisher

Fees for publication \$ 54.68

Sworn to before me and subscribed in my presence by the said John C. Strawn II this 26 day of

Aug, 05.

Diane M. Strawn

Diane M. Strawn, Notary Public
Marshall County, Iowa



DIANE M. STRAWN
Commission Number 709381
MY COMMISSION EXPIRES
APRIL 12, 2007

**Marshall County Board of Supervisors Proceedings
Regular Session June 28, 2005, at 9:00 a.m.**

The Board met in regular session on June 28, 2005, at 9:00 a.m. in Meeting Room #2, 3rd Floor, northeast corner of the Courthouse with all members present.

* * *

First Reading of Proposed Ordinance No. 26, Fire Protection Ordinance for Marshall County, Iowa—

The Marshall County Board of Supervisors is considering the adoption of Ordinance No.26, Fire Protection Ordinance for Marshall County, Iowa, after recommendation from the Marshall County Fire Chiefs.

Now, Therefore Be It Resolved, by the Marshall County Board of Supervisors that this be considered the first reading of the proposed Fire Protection Ordinance for Marshall County, Iowa:

STATEMENT OF INTENT

Iowa law allows Marshall County residents to burn items on their real property. County fire protection officials would benefit by receiving advance notice of planned open burning by property owners.

This Ordinance encourages efficient use of fire protection resources. The Ordinance will define a controlled and uncontrolled burn; create uniform procedures for advance notice of planned open burning and establish penalties when such advance notice is not provided.

ADVANCE NOTICE REQUIREMENT

Every person, firm, corporation, or government entity shall provide advance notice to the Marshall County Communications Center before kindling or burning any building, structure, farm land, pasture (including Crop Reserve Program (CRP acres), or other rural ground or woodland.

DEFINITIONS

- A) Advance Notice: Communications with the Fire Chief of the jurisdiction and of the County Communications Center that a burn will be held on a specific date and place. Communication shall be made at least two (2) hours in advance of the burn.
- B) Controlled Burn: A supervised burn.

- C) Uncontrolled Burn: An intentional or unintentional burn which is not supervised by anyone.

EXCEPTIONS

Nothing in this Ordinance shall be deemed to apply to the following situations:

- A) Use of an outdoor fire for cooking.
- B) Barbecue grills.
- C) Outdoor fireplaces.
- D) Supervised burning of normal yard waste is allowed.
- E) Supervised burning of trash is allowed, IF done in incinerators or trash burners made of metal, concrete, or heavy one inch wire mesh with openings less than one square inch.

PENALTIES

- A) Any responsible party in violation of this Ordinance shall be deemed to have committed a County infraction. A County infraction is a civil offense not punishable by jail or imprisonment.
- B) A responsible party must pay a civil penalty of fifty dollars (\$50.00) for a first violation in a calendar year; one hundred dollars (\$100.00) for a second violation in a calendar year; and two hundred-fifty dollars (\$250.00) for a third and any subsequent violation in a calendar year.
- C) All civil penalties shall be paid to the Marshall County Clerk of Court. Willful failure to pay the civil penalty or willful violation of the terms of a Court order is punishable by Contempt of Court as described in Iowa Code, Chapter 665.
- D) Notice of a County infraction shall conform to the 2005 Iowa Code, Section 331.307(4) and any amendments to such law.
- E) Court procedure for a County infraction shall conform to the 2005 Iowa Code, Section 331.307(5-7) and any amendments to such law.
- F) The issuance of a County infraction or the ensuing court proceedings does not provide an action for false arrest, false imprisonment, or malicious prosecution.
- G) This Ordinance does not preclude a peace officer or fire official from exercising his or her discretion and issuing a criminal citation for a violation of applicable State law in lieu of issuing a civil citation for a County infraction.

SEVERABILITY

If any provision of this Ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application. The provisions of this Ordinance are severable.

CITY FIRE REGULATIONS SUPERCEDE

This Ordinance is intended to apply to both the incorporated and unincorporated territory of Marshall County. However, if any city or incorporated territory in Marshall County has such fire regulations, then such local fire regulations supersede this Ordinance.

EFFECTIVE DATE

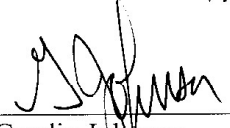
This Ordinance shall be in full force and effect thirty (30) after its passage and publication as required by law.

Be It Further Resolved, that such Ordinance shall not be effective until a public hearing is held at 9:00 a.m. on the 26th day of July, 2005, with notice of the public hearing published in the Marshalltown Times-Republican and the State Center Enterprise-Record, at least four (4) but not more than twenty (20) days prior to the above date, and the Board adopts the third reading of the proposed Fire Protection Ordinance for Marshall County, Iowa, and it is published.

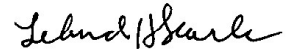
Dated at Marshalltown, Iowa this 28th day of June, 2005.

Motion by Soorholtz, second by Goecke, to adopt the first reading of the proposed Fire Protection Ordinance for Marshall County, Iowa and set the date for public hearing at 9:00 A.M. on the 26th day of July, 2005.

Roll call vote:	Goecke -Aye	Soorholtz-Aye	Johnson-Aye
	Vice Chairman	Member	Chairman



Gordie Johnson
Board of Supervisors, Chairman

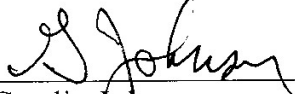
Attest: 

Leland H. Searle
Marshall County Auditor

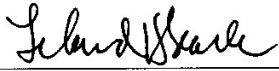
* * *

Adjournment--The next regular meeting is June 30, 2005, 9:00 a.m. All business to be acted upon at that session should be submitted to the County Auditor's Office or the

Board of Supervisors' Office by June 27, 2005, at 1:00 p. m. There being no further business to come before the Board, the meeting is adjourned.



Gordie Johnson
Board of Supervisors, Chairman

Attest: 

Leland H. Searle
Marshall County Auditor

**Marshall County Board of Supervisors Proceedings
Regular Session July 12, 2005, at 9:15 a.m.**

The Board met in regular session on July 12, 2005, at 9:15 a.m. in Meeting Room #2, 3rd Floor, northeast corner of the Courthouse with all members present.

* * *

**Resolution-Second Reading of Proposed Ordinance #26, Fire Protection Ordinance
For Marshall County, Iowa-**

Whereas, after recommendation from the Marshall County Fire Chiefs, the Marshall County Board of Supervisors is considering the adoption of proposed Ordinance No.26, to the Marshall County Ordinances - Fire Protection Ordinance for Marshall County, Iowa.

Therefore, Be It Resolved, by the Marshall County Board of Supervisors that this be considered the second reading of the proposed Fire Protection Ordinance for Marshall County, Iowa:

STATEMENT OF INTENT

Iowa law allows Marshall County residents to burn items on their real property. County fire protection officials would benefit by receiving advance notice of planned open burning by property owners.

This Ordinance encourages efficient use of fire protection resources. The Ordinance will define a controlled and uncontrolled burn; create uniform procedures for advance notice of planned open burning and establish penalties when such advance notice is not provided.

ADVANCE NOTICE REQUIREMENT

Every person, firm, corporation, or government entity shall provide advance notice to the Marshall County Communications Center before kindling or burning any building, structure, farm land, pasture (including Crop Reserve Program (CRP acres), or other rural ground or woodland.

DEFINITIONS

- A) Advance Notice: Communications with the Fire Chief of the jurisdiction and of the County Communications Center that a burn will be held on a specific date and place. Communication shall be made at least two (2) hours in advance of the burn.

- B) Controlled Burn: A supervised burn.
- C) Uncontrolled Burn: An intentional or unintentional burn which is not supervised by anyone.

EXCEPTIONS

Nothing in this Ordinance shall be deemed to apply to the following situations:

- A) Use of an outdoor fire for cooking.
- B) Barbecue grills.
- C) Outdoor fireplaces.
- D) Supervised burning of normal yard waste is allowed.
- E) Supervised burning of trash is allowed, IF done in incinerators or trash burners made of metal, concrete, or heavy one inch wire mesh with openings less than one square inch.

PENALTIES

- A) Any responsible party in violation of this Ordinance shall be deemed to have committed a County infraction. A County infraction is a civil offense not punishable by jail or imprisonment.
- B) A responsible party must pay a civil penalty of fifty dollars (\$50.00) for a first violation in a calendar year; one hundred dollars (\$100.00) for a second violation in a calendar year; and two hundred-fifty dollars (\$250.00) for a third and any subsequent violation in a calendar year.
- C) All civil penalties shall be paid to the Marshall County Clerk of Court. Willful failure to pay the civil penalty or willful violation of the terms of a Court order is punishable by Contempt of Court as described in Iowa Code, Chapter 665.
- D) Notice of a County infraction shall conform to the 2005 Iowa Code, Section 331.307(4) and any amendments to such law.
- E) Court procedure for a County infraction shall conform to the 2005 Iowa Code, Section 331.307(5-7) and any amendments to such law.
- F) The issuance of a County infraction or the ensuing court proceedings does not provide an action for false arrest, false imprisonment, or malicious prosecution.
- G) This Ordinance does not preclude a peace officer or fire official from exercising his or her discretion and issuing a criminal citation for a violation

of applicable State law in lieu of issuing a civil citation for a County infraction.

SEVERABILITY

If any provision of this Ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application. The provisions of this Ordinance are severable.

CITY FIRE REGULATIONS SUPERCEDE

This Ordinance is intended to apply to both the incorporated and unincorporated territory of Marshall County. However, if any city or incorporated territory in Marshall County has such fire regulations, then such local fire regulations supersede this Ordinance.

EFFECTIVE DATE

This Ordinance shall be in full force and effect thirty (30) after its passage and publication as required by law.

Be It Further Resolved, that such proposed Ordinance #26 shall not be effective until a public hearing is held at 9:00 a.m. on the 26th day of July, 2005, with notice of the public hearing published in the Marshalltown Times-Republican and the State Center Enterprise on July 14, 2005, and the Board adopts the third reading of the proposed Ordinance #26, Fire Protection Ordinance for Marshall County, Iowa, and it is published.

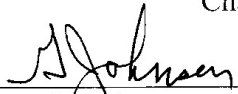
Dated at Marshalltown, Iowa this 12th day of July, 2005.

Motion by Goecke, second by Soorholtz, to adopt this Resolution constituting the second reading of the proposed Ordinance #26, Fire Protection Ordinance for Marshall County, Iowa.

Roll call vote: Johnson-Aye
Chairman

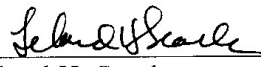
Goecke-Aye
Vice Chairman

Soorholtz-Aye
Member



Gordie Johnson
Board of Supervisors, Chairman

Attest:

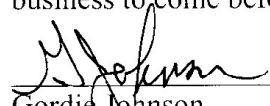


Leland H. Searle
Marshall County Auditor

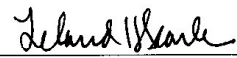
* * *

Adjournment--The next regular meeting is July 26, 2005, 8:45 a.m. All business to be acted upon at that session should be submitted to the County Auditor's Office or the

Board of Supervisors' Office by July 21, 2005, at 1:00 p. m. There being no further business to come before the Board, the meeting is adjourned.



Gordie Johnson
Board of Supervisors, Chairman

Attest: 

Leland H. Searle
Marshall County Auditor

**Marshall County Board of Supervisors Proceedings
Regular Session July 26, 2005, at 8:45 a.m.**

The Board met in regular session on July 26, 2005, at 8:45 a.m. in Meeting Room #2, 3rd Floor, northeast corner of the Courthouse with all members present.

* * *

Third Reading-of Proposed Ordinance No. 26, Fire Protection Ordinance For Marshall County, Iowa-

Whereas, after recommendation from the Marshall County Fire Chiefs, the Marshall County Board of Supervisors is considering the adoption of proposed Ordinance No. 26, to the Marshall County Ordinances, Fire Protection Ordinance for Marshall County, Iowa.

Therefore, Be It Resolved, by the Marshall County Board of Supervisors that this be considered the third reading of the proposed Ordinance No. 26, Fire Protection Ordinance for Marshall County, Iowa:

STATEMENT OF INTENT

Iowa law allows Marshall County residents to burn items on their real property. County fire protection officials would benefit by receiving advance notice of planned open burning by property owners.

This Ordinance encourages efficient use of fire protection resources. The Ordinance will define a controlled and uncontrolled burn; create uniform procedures for advance notice of planned open burning and establish penalties when such advance notice is not provided.

ADVANCE NOTICE REQUIREMENT

Every person, firm, corporation, or government entity shall provide advance notice to the Marshall County Communications Center before kindling or burning any building, structure, farm land, pasture (including Crop Reserve Program (CRP acres), or other rural ground or woodland.

DEFINITIONS

- A) Advance Notice: Communications with the ~~Fire Chief of the jurisdiction and of the~~ County Communications Center (641-754-5725) that a burn will be held on a specific date and place. Communication shall be made ~~at least two (2) hours~~ in advance of the burn.
- B) Controlled Burn: A supervised burn.
- C) Uncontrolled Burn: An intentional or unintentional burn which is not supervised by anyone.

EXCEPTIONS

Nothing in this Ordinance shall be deemed to apply to the following situations:

- A) Use of an outdoor fire for cooking.
- B) Barbecue grills
- C) Outdoor fireplaces.
- D) Supervised burning of normal yard waste. ~~is allowed.~~
- E) Supervised burning of trash. ~~is allowed, IF done in incinerators or trash burners made of metal, concrete, or heavy one inch wire mesh with openings less than one square inch.~~

PENALTIES

- A) Any responsible party in violation of this Ordinance shall be deemed to have committed a County infraction. A County infraction is a civil offense not punishable by jail or imprisonment.
- B) A responsible party must pay a civil penalty of fifty dollars (\$50.00) for a first violation in a calendar year; one hundred dollars (\$100.00) for a second violation in a calendar year; and two hundred-fifty dollars (\$250.00) for a third and any subsequent violation in a calendar year. **In addition to the civil penalty, the responsible party must pay all court costs. Court costs include a filing fee (currently \$50.00) and the cost of delivering the County infraction papers to the responsible party by either personal service (currently \$15.00 plus mileage) or by certified mail (currently \$8.00).**
- C) All civil penalties shall be paid to the Marshall County Clerk of Court. Willful failure to pay the civil penalty or willful violation of the terms of a Court order is punishable by Contempt of Court as described in Iowa Code, Chapter 665.
- D) Notice of a County infraction shall conform to the 2005 Iowa Code, Section 331.307(4) and any amendments to such law.
- E) Court procedure for a County infraction shall conform to the 2005 Iowa Code, Section 331.307(5-7) and any amendments to such law.
- F) The issuance of a County infraction or the ensuing court proceedings does not provide an action for false arrest, false imprisonment, or malicious prosecution.
- G) **This Ordinance authorizes a peace officer or fire official to issue a civil citation for a County infraction.** This Ordinance does not preclude a peace officer or fire official from exercising his or her discretion and issuing a criminal citation for a violation of applicable State law in lieu of issuing a civil citation for a County infraction.

SEVERABILITY

If any provision of this Ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application. The provisions of this Ordinance are severable.

CITY FIRE REGULATIONS SUPERCEDE

This Ordinance is intended to apply to both the incorporated and unincorporated territory of Marshall County. However, if any city or incorporated territory in Marshall County has such fire regulations, then such local fire regulations supersede this Ordinance.

EFFECTIVE DATE

This Ordinance shall be in full force and effect thirty (30) days after its passage and publication as required by law.

Notice of public hearing was published in the Marshalltown Times-Republican Newspaper, Marshalltown, Iowa, and the Mid Iowa Enterprise, State Center, Iowa, on July 14, 2005.

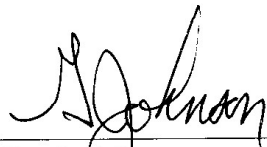
Motion by Goecke, second by Soorholtz, to table the third reading of Ordinance No. 26 until August 23, 2005, Regular Session.

Roll call vote:	Goecke-Aye	Soorholtz-Aye	Johnson-Aye
	Vice Chairman	Member	Chairman

The revised Ordinance No. 26 shall be published before the third reading on August 23, 2005.

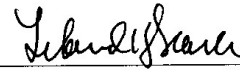
* * *

Adjournment--The next regular meeting is August 9, 2005, 8:45 a.m. All business to be acted upon at that session should be submitted to the County Auditor's Office or the Board of Supervisors' Office by August 4, 2005, at 1:00 p. m. There being no further business to come before the Board, the meeting is adjourned.



Gordie Johnson
Board of Supervisors, Chairman

Attest:



Leland H. Searle
Marshall County Auditor

Affidavit of Publication

STATE OF IOWA,
Marshall County, ss.

Marshall County Ordinance #26

I, Phyliss Troutner, being first duly sworn, on or depose and say that Marshalltown Newspaper, Inc. a corporation for pecuniary profit organization under the law of the State of Iowa, with its principal place of business in Marshalltown, Iowa; that the "Times-Republican" is a daily newspaper of general circulation printed wholly in the English language and published by said corporation at the city of Marshalltown, in Marshall County, Iowa; that I am the Office Manager of said corporation and a full-time employee of the said newspaper, and have personal knowledge of the facts stated herein; that the Notice hereto attached in the above entitled action was published in the regular daily edition of the said "Times-Republican" once each week for one consecutive weeks on the day and dates as follows, to-wit:

August 11, 2005

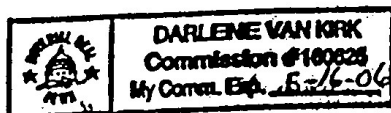
Statutory fees for publishing said notice are:

62.54

Phyliss Troutner

Sworn to before me and subscribed in my presence by the said Phyliss Troutner this 11th day of August, 2005.

Darlene Van Kirk
Darlene Van Kirk, Notary Public
Marshall County, Iowa



PUBLIC NOTICE NOTICE OF PUBLIC HEARING MARSHALL COUNTY ORDINANCE #26

FIRE PROTECTION ORDINANCE FOR MARSHALL COUNTY, IOWA

You are hereby notified that the Marshall County Board of Supervisors is considering the adoption of proposed Marshall County Ordinance No. 26, Fire Protection Ordinance for Marshall County, Iowa. The proposed Ordinance is as follows:

STATEMENT OF INTENT

Iowa law allows Marshall County residents to burn items on their real property. County fire protection officials would benefit by receiving advance notice of planned open burning by property owners.

This Ordinance encourages efficient use of fire protection resources. The Ordinance will define a controlled and uncontrolled burn; create uniform procedures for advance notice of planned open burning and establish penalties when such advance notice is not provided.

ADVANCE NOTICE REQUIREMENT

Every person, firm, corporation, or government entity shall provide advance notice to the Marshall County Communications Center before kindling or burning any building, structure, farm land, pasture (including Crop Reserve Program (CRP acres)), or other rural ground or woodland.

DEFINITIONS

A) Advance Notice: communication with the County Communications Center (641-754-5725) that a burn will be held on a specific date and place. Communication shall be made in advance of the burn.

B) Controlled Burn: A supervised burn.

C) Uncontrolled Burn: An intentional or unintentional burn which is not supervised by anyone.

EXCEPTIONS

Nothing in this Ordinance shall be deemed to apply to the following situations:

A) Use of an outdoor fire for cooking.

B) Barbecue grills.

C) Outdoor fireplaces.

D) Supervised burning of normal yard waste.

E) Supervised burning of trash.

PENALTIES

A) Any responsible party in violation of this Ordinance shall be deemed to have committed a County infraction. A county infraction is a civil offense not punishable by jail or imprisonment.

B) A responsible party must pay a civil penalty of fifty dollars (\$50.00) for a first violation in a calendar year; one hundred dollars (\$100.00) for a second violation in a calendar year; and two hundred-fifty dollars (\$250.00) for a third and

any subsequent violation in a calendar year. In addition to the civil penalty, the responsible party must pay all court costs. Court costs include a filing fee (currently \$50.00) and the cost of delivering the County infraction papers to the responsible party by either personal service (currently \$15.00 plus mileage) or by certified mail (currently \$8.00).

C) All civil penalties shall be paid to the Marshall County Clerk of Court. Willful failure to pay the civil penalty or willful violation of the

terms of a Court order is punishable by Contempt of Court as described in Iowa Code, Chapter 665.

D) Notice of a County infraction shall conform to the 2005 Iowa Code, Section 331.307(4) and any amendments to such law.

E) Court procedure for a County infraction shall conform to the 2005 Iowa Code, Section 331.307(5-7) and any amendments to such law.

F) The issuance of a County infraction or the ensuing court proceedings does not provide an action for false arrest, false imprisonment, or malicious prosecution.

G) This Ordinance authorizes a peace officer or fire official to issue a civil citation for a County infraction. This Ordinance does not preclude a peace officer or fire official from exercising his or her discretion and issuing a criminal citation for a violation of applicable State law in lieu of issuing a civil citation for a County infraction.

H) This Ordinance is intended to apply to both the incorporated and unincorporated territory of Marshall County. However, if any city or incorporated territory in Marshall County has such fire regulations, then such local fire regulations supersede this Ordinance.

SEVERABILITY

If any provision of this Ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provision or applications of the Ordinance which can be given effect without the invalid provision or application. The provisions of this Ordinance are severable.

CITY FIRE REGULATIONS SUPERSEDE

This Ordinance is intended to apply to both the incorporated and unincorporated territory of Marshall County. However, if any city or incorporated territory in Marshall County has such fire regulations, then such local fire regulations supersede this Ordinance.

EFFECTIVE DATE

This Ordinance shall be in full force and effect thirty (30) days after passage and publication as required by law.

You are further notified that the Marshall County Board of Supervisors will hold a public hearing thereon at 9:00 A.M., on Tuesday, August 23, 2005, in Meeting Room #2, third floor, northeast corner of the Courthouse, Marshalltown, Iowa. You may submit comments in writing prior to the hearing, or appear to give oral or written comments at the hearing.

Take notice and govern yourselves accordingly.

Dated at Marshalltown, Iowa, this 1st day of August, 2005.

Leland H. Searle
Marshall County Auditor

**PROOF OF
PUBLICATION OF**

Ordinance

No. 26

STATE OF IOWA)
MARSHALL COUNTY)

John C. Strawn being first duly
sworn on his oath deposes
and states that he is the pub-
lisher of the

MID IOWA ENTERPRISE
a weekly newspaper of gen-
eral circulation, published
wholly in the English language
and printed and published in

State Center, Iowa

which is within the County of
Marshall, and State of Iowa;
and the printed notice hereto
attached is a true copy of the

Notice

and was published in the regu-
lar edition of said newspaper
once each week on the same
day of the week, one publica-
tion thereof being had on each
of the following dates:

August 11, 2005

John C. Strawn

Publisher

Fees for publication \$ 58.21

**PUBLIC NOTICE
NOTICE OF PUBLIC HEARING
MARSHALL COUNTY ORDINANCE #26
FIRE PROTECTION ORDINANCE FOR
MARSHALL COUNTY, IOWA**

You are hereby notified that the Marshall
County Board of Supervisors is considering
the adoption of proposed Marshall County
Ordinance No. 26, Fire Protection Ordinance
for Marshall County, Iowa. The proposed
Ordinance is as follows:

STATEMENT OF INTENT

Iowa law allows Marshall County residents
to burn items on their real property. County fire
protection officials would benefit by receiving
advance notice of planned open burning by
property owners.

This Ordinance encourages efficient use of
fire protection resources. The Ordinance will
define a controlled and uncontrolled burn;
create uniform procedures for advance notice
of planned open burning and establish
penalties when such advance notice is not
provided.

ADVANCE NOTICE REQUIREMENT

Every person, firm, corporation, or
government entity shall provide advance
notice to the Marshall County Communications
Center before kindling or burning any building,
structure, farm land, pasture (including Crop
Reserve Program (CRP acres), or other rural
ground or woodland.

DEFINITIONS

Advance Notice: Communications with the
County Communications Center (641-754-
5725) that a burn will be held on a specific
date and place. Communication shall be made
in advance of the burn.

Controlled Burn: A supervised burn.

Uncontrolled Burn: An intentional or
unintentional burn which is not supervised by
anyone.

EXCEPTIONS

Nothing in this Ordinance shall be deemed
to apply to the following situations:

Use of an outdoor fire for cooking.

Barbecue grills.

Outdoor fireplaces.

Supervised burning of normal yard waste.

Supervised burning of trash.

PENALTIES

Any responsible party in violation of this
Ordinance shall be deemed to have committed
a County infraction. A County infraction is a
civil offense not punishable by jail or
imprisonment.

B) A responsible party must pay a
civil penalty of fifty dollars (\$50.00) for a first
violation in a calendar year; one hundred
dollars (\$100.00) for a second violation in a
calendar year; and two hundred-fifty dollars
(\$250.00) for a third and any subsequent
violation in a calendar year. In addition to the
civil penalty, the responsible party must pay all
court costs. Court costs include a filing fee
(currently \$50.00) and the cost of delivering
the County infraction papers to the responsible
party by either personal service (currently
\$15.00 plus mileage) or by certified mail
(currently \$6.00).

C) All civil penalties shall be paid
to the Marshall County Clerk of Court. Willful
failure to pay the civil penalty or willful violation
of the terms of a Court order is punishable by
Contempt of Court as described in Iowa Code,
Chapter 665.

Notice of a County infraction shall conform
to the 2005 Iowa Code, Section 331.307(4)
and any amendments to such law.

Court procedure for a County infraction
shall conform to the 2005 Iowa Code, Section
331.307(5-7) and any amendments to such
law.

The issuance of a County infraction or the
ensuing court proceedings does not provide an
action for false arrest, false imprisonment, or
malicious prosecution.

This Ordinance authorizes a peace officer
or fire official to issue a civil citation for a
County infraction. This Ordinance does not
preclude a peace officer or fire official from
exercising his or her discretion and issuing a
criminal citation for a violation of applicable
State law in lieu of issuing a civil citation for a
County infraction.

SEVERABILITY

If any provision of this Ordinance or its
application to any person or circumstance is
held invalid, such invalidity shall not affect
other provisions or applications of the
Ordinance which can be given effect without
the invalid provision or application. The
provisions of this Ordinance are severable.

CITY FIRE REGULATIONS SUPERCEDE

This Ordinance is intended to apply to both
the incorporated and unincorporated territory
of Marshall County. However, if any city or
incorporated territory in Marshall County has
such fire regulations, then such local fire
regulations supersede this Ordinance.

EFFECTIVE DATE

This Ordinance shall be in full force and
effect thirty (30) days after its passage and
publication as required by law.

You are further notified that the Marshall
County Board of Supervisors will hold a public
hearing thereon at 9:00 A.M., on Tuesday,
August 23, 2005, in Meeting Room #2, third

Sworn to before me and subscribed in my presence
by the said John C. Strawn II this 29 day of

August, 2005.

Diane M. Strawn

Diane M. Strawn, Notary Public
Marshall County, Iowa

floor, northeast corner of the Courthouse,
Marshalltown, Iowa. You may submit
comments in writing prior to the hearing, or
appear to give oral or written comments at the
hearing.

Take notice and govern yourselves
accordingly.

Dated at Marshalltown, Iowa, this 1st day of
August, 2005.



DIANE M. STRAWN
Commission Number 709381
MY COMMISSION EXPIRES
APRIL 12, 2007

Leland H. Searle
Marshall County Auditor

**Marshall County Board of Supervisors Proceedings
Regular Session August 23, 2005, at 9:00 a.m.**

The Board met in regular session on August 23, 2005, at 9:00 a.m. in Meeting Room #2, 3rd Floor, northeast corner of the Courthouse with two members present.

* * *

Third Reading-Proposed Ordinance No. 26, Fire Protection Ordinance for Marshall County, Iowa—

Whereas, after recommendation from the Marshall County Fire Chiefs, the Marshall County Board of Supervisors is considering the adoption of proposed Ordinance No. 26, to the Marshall County Ordinances, Fire Protection Ordinance for Marshall County, Iowa.

Whereas, after consideration and discussion of the proposed Fire Protection Ordinance for Marshall County, Iowa, at the July 26, 2005, regular session, the Board tabled the third reading to the August 23, 2005, public meeting so that publication of the revised Ordinance could take place.

Therefore, Be It Resolved, by the Marshall County Board of Supervisors that this be considered the third reading of the proposed Ordinance No. 26, Fire Protection Ordinance for Marshall County, Iowa:

STATEMENT OF INTENT

Iowa law allows Marshall County residents to burn items on their real property. County fire protection officials would benefit by receiving advance notice of planned open burning by property owners.

This Ordinance encourages efficient use of fire protection resources. The Ordinance will define a controlled and uncontrolled burn; create uniform procedures for advance notice of planned open burning and establish penalties when such advance notice is not provided.

ADVANCE NOTICE REQUIREMENT

Every person, firm, corporation, or government entity shall provide advance notice to the Marshall County Communications Center before kindling or burning any building, structure, farm land, pasture (including Crop Reserve Program (CRP acres), or other rural ground or woodland.

DEFINITIONS

- A) Advance Notice: Communications with the County Communications Center (641-754-5725) that a burn will be held on a specific date and place. Communication shall be made in advance of the burn.
- B) Controlled Burn: A supervised burn.
- C) Uncontrolled Burn: An intentional or unintentional burn which is not supervised by anyone.

EXCEPTIONS

Nothing in this Ordinance shall be deemed to apply to the following situations:

- A) Use of an outdoor fire for cooking.
- B) Barbecue grills
- C) Outdoor fireplaces.
- D) Supervised burning of normal yard waste.
- E) Supervised burning of trash.

PENALTIES

- A) Any responsible party in violation of this Ordinance shall be deemed to have committed a County infraction. A County infraction is a civil offense not punishable by jail or imprisonment.
- B) A responsible party must pay a civil penalty of fifty dollars (\$50.00) for a first violation in a calendar year; one hundred dollars (\$100.00) for a second violation in a calendar year; and two hundred-fifty dollars (\$250.00) for a third and any subsequent violation in a calendar year. In addition to the civil penalty, the responsible party must pay all court costs. Court costs include a filing fee (currently \$50.00) and the cost of delivering the County infraction papers to the responsible party by either personal service (currently \$15.00 plus mileage) or by certified mail (currently \$8.00).
- C) All civil penalties shall be paid to the Marshall County Clerk of Court. Willful failure to pay the civil penalty or willful violation of the terms of a Court order is punishable by Contempt of Court as described in Iowa Code, Chapter 665.
- D) Notice of a County infraction shall conform to the 2005 Iowa Code, Section 331.307(4) and any amendments to such law.
- E) Court procedure for a County infraction shall conform to the 2005 Iowa Code, Section 331.307(5-7) and any amendments to such law.

- F) The issuance of a County infraction or the ensuing court proceedings does not provide an action for false arrest, false imprisonment, or malicious prosecution.
- G) This Ordinance authorizes a peace officer or fire official to issue a civil citation for a County infraction. This Ordinance does not preclude a peace officer or fire official from exercising his or her discretion and issuing a criminal citation for a violation of applicable State law in lieu of issuing a civil citation for a County infraction.

SEVERABILITY

If any provision of this Ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application. The provisions of this Ordinance are severable.

CITY FIRE REGULATIONS SUPERCEDE

This Ordinance is intended to apply to both the incorporated and unincorporated territory of Marshall County. However, if any city or incorporated territory in Marshall County has such fire regulations, then such local fire regulations supersede this Ordinance.

EFFECTIVE DATE

This Ordinance shall be in full force and effect thirty (30) days after its passage and publication as required by law.

Notice of public hearing was published in the Marshalltown Times-Republican Newspaper, Marshalltown, Iowa, and the Mid Iowa Enterprise, State Center, Iowa, on August 11, 2005. There were no written comments/questions or objections presented and no oral comments/questions, or objections at the hearing. Motion by Goecke, second by Johnson, to close the hearing.

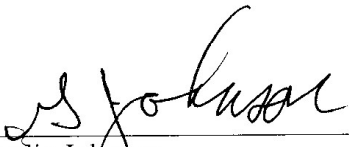
Roll call vote:	Johnson-Aye	Goecke-Aye	Soorholtz-Absent
	Chairman	Vice Chairman	Member

Be It Further Resolved that such Ordinance No. 26, Fire Protection Ordinance for Marshall County, Iowa, shall become effective after its final passage, approval and the Ordinance is published.

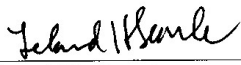
Dated at Marshalltown, Iowa, this 23rd day of August, 2005

Motion by Goecke, second by Johnson, that this constitutes the third reading and the adoption of the Ordinance which shall become effective thirty (30) days after publication of the notice of adoption.

Roll call vote:	Johnson-Aye	Goecke-Aye	Soorholtz-Absent
	Chairman	Vice Chairman	Member



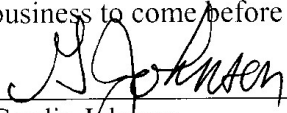
Gordie Johnson
Board of Supervisors, Chairman

Attest: 

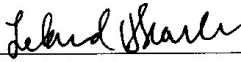
Leland H. Searle
Marshall County Auditor

* * *

Adjournment--The next regular meeting is September 6, 2005, 9:00 a.m. All business to be acted upon at that session should be submitted to the County Auditor's Office or the Board of Supervisors' Office by September 1, 2005, at 1:00 p. m. There being no further business to come before the Board, the meeting is adjourned.



Gordie Johnson
Board of Supervisors, Chairman

Attest: 

Leland H. Searle
Marshall County Auditor

Affidavit of Publication

STATE OF IOWA,
Marshall County, ss.

Notice of Ordinance #26

I, Phyliss Troutner, being first duly sworn, on oath depose and say that Marshalltown Newspaper, Inc. is a corporation for pecuniary profit organization under the law of the State of Iowa, with its principal place of business in Marshalltown, Iowa; that the "Times-Republican" is a daily newspaper of general circulation printed wholly in the English language and published by said corporation at the city of Marshalltown, in Marshall County, Iowa; that I am the Office Manager of said corporation and a full time employee of the said newspaper, and have personal knowledge of the facts stated herein; that the Notice hereto attached in the above entitled action was published in the regular daily edition of the said "Times-Republican" once each week for one consecutive weeks on the days and dates as follows, to-wit:

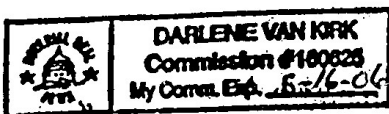
September 1, 2005

Statutory fees for publishing said notice are:
30.11

Phyliss Troutner

Sworn to before me and subscribed in my presence by the said Phyliss Troutner this 1st day of September, 2005.

Darlene Van Kirk
Darlene Van Kirk, Notary Public
Marshall County, Iowa



PUBLIC NOTICE

NOTICE OF ADOPTION OF ORDINANCE #26 FIRE PROTECTION ORDINANCE FOR MARSHALL COUNTY, IOWA

TO WHOM IT MAY CONCERN:

You are hereby notified that on August 23, 2005, the Marshall County Board of Supervisors adopted the third and final reading of Ordinance No. 26, Fire Protection Ordinance for Marshall County, Iowa. The Ordinance is as follows:

STATEMENT OF INTENT

Iowa law allows Marshall County residents to burn items on their real property. County fire protection officials would benefit by receiving advance notice of planned open burning by property owners.

This Ordinance encourages efficient use of fire protection resources. The Ordinance will define a controlled and uncontrolled burn; create uniform procedures for advance notice of planned open burning and establish penalties when such advance notice is not provided.

ADVANCE NOTICE REQUIREMENT

Every person, firm, corporation, or government entity shall provide advance notice to the Marshall County Communications Center before kindling or burning any building, structure, farm land, pasture (including Crop Reserve Program (CRP acres), or other rural ground or woodland.

DEFINITIONS

A) Advance Notice: Communications with the County Communications Center (641-754-5725) that a burn will be held on a specific date and place. Communication shall be made in advance of the burn.

B) Controlled Burn: A supervised burn.

C) Uncontrolled Burn: An intentional or unintentional burn which is not supervised by anyone.

EXCEPTIONS

Nothing in this Ordinance shall be deemed to apply to the following situations:

- A) Use of an outdoor fire for cooking.
- B) Barbecue grills.
- C) Outdoor fireplaces.
- D) Supervised burning of normal yard waste.
- E) Supervised burning of trash.

PENALTIES

A) Any responsible party in violation of this Ordinance shall be deemed to have committed a County infraction. A County infraction is a civil offense not punishable by jail or imprisonment.

B) A responsible party must pay a civil penalty of fifty dollars (\$50.00) for a first violation in a calendar year; one hundred dollars (\$100.00) for a second violation in a calendar year; and two hundred-fifty dollars (\$250.00) for a third and any subsequent violation in a calendar year. In addition to the civil penalty, the responsible party must

pay all court costs. Court costs include a filing fee (currently \$50.00) and the cost of delivering the County infraction papers to the responsible party by either personal service (currently \$15.00 plus mileage) or by certified mail (currently \$8.00).

C) All civil penalties shall be paid to the Marshall County Clerk of Court. Willful failure to pay the civil penalty or willful violation of the terms of a Court order is punishable by Contempt of Court as described in Iowa Code, Chapter 665.

A) Notice of a County infraction shall conform to the 2005 Iowa Code, Section 331.307(4) and any amendments to such law.

B) Court procedure for a County infraction shall conform to the 2005 Iowa Code, Section 331.307(5-7) and any amendments to such law.

C) The issuance of a County infraction or the ensuing court proceedings does not provide an action for false arrest, false imprisonment, or malicious prosecution.

D) This Ordinance authorizes a peace officer or fire official to issue a civil citation for a County infraction. This Ordinance does not preclude a peace officer or fire official from exercising his or her discretion and issuing a criminal citation for a violation of applicable State law in lieu of issuing a civil citation for a County infraction.

SEVERABILITY

If any provision of this Ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application. The provisions of this Ordinance are severable.

CITY FIRE REGULATIONS SUPERCEDE

This Ordinance is intended to apply to both the incorporated and unincorporated territory of Marshall County. However, if any city or incorporated territory in Marshall County has such fire regulations, then such local fire regulations supersede this Ordinance.

EFFECTIVE DATE

This Ordinance shall be in full force and effect thirty (30) days after its passage and publication as required by law.

Dated at Marshalltown, Iowa, this 23rd day of August, 2005.

Leland H. Searle
Marshall County Auditor

NOTICE OF ADOPTION OF
ORDINANCE #26
FIRE PROTECTION ORDINANCE FOR
MARSHALL COUNTY, IOWA

TO WHOM IT MAY CONCERN:

You are hereby notified that on August 23, 2005, the Marshall County Board of Supervisors adopted the third and final reading of Ordinance No. 26, Fire Protection Ordinance for Marshall County, Iowa. The Ordinance is as follows:

STATEMENT OF INTENT

Iowa law allows Marshall County residents to burn items on their real property. County fire protection officials would benefit by receiving advance notice of planned open burning by property owners.

This Ordinance encourages efficient use of fire protection resources. The Ordinance will define a controlled and uncontrolled burn; create uniform procedures for advance notice of planned open burning and establish penalties when such advance notice is not provided.

ADVANCE NOTICE REQUIREMENT

Every person, firm, corporation, or government entity shall provide advance notice to the Marshall County Communications Center before kindling or burning any building, structure, farm land, pasture (including Crop Reserve Program (CRP acres), or other rural ground or woodland.

DEFINITIONS

Advance Notice: Communications with the County Communications Center (641-754-5725) that a burn will be held on a specific date and place. Communication shall be made in advance of the burn.

Controlled Burn: A supervised burn.

Uncontrolled Burn: An intentional or unintentional burn which is not supervised by anyone.

EXCEPTIONS

Nothing in this Ordinance shall be deemed to apply to the following situations:

Use of an outdoor fire for cooking.

Barbecue grills.

Outdoor fireplaces.

Supervised burning of normal yard waste.

Supervised burning of trash.

PENALTIES

Any responsible party in violation of this Ordinance shall be deemed to have committed a County infraction. A County infraction is a civil offense not punishable by jail or imprisonment.

B) A responsible party must pay a civil penalty of fifty dollars (\$50.00) for a first violation in a calendar year; one hundred

dollars (\$100.00) for a second violation in a calendar year; and two hundred-fifty dollars (\$250.00) for a third and any subsequent violation in a calendar year. In addition to the civil penalty, the responsible party must pay all court costs. Court costs include a filing fee (currently \$50.00) and the cost of delivering the County infraction papers to the responsible party by either personal service (currently \$15.00 plus mileage) or by certified mail (currently \$8.00).

C) All civil penalties shall be paid to the Marshall County Clerk of Court. Willful failure to pay the civil penalty or willful violation of the terms of a Court order is punishable by Contempt of Court as described in Iowa Code, Chapter 665.

Notice of a County infraction shall conform to the 2005 Iowa Code, Section 331.307(4) and any amendments to such law.

Court procedure for a County infraction shall conform to the 2005 Iowa Code, Section 331.307(5-7) and any amendments to such law.

The issuance of a County infraction or the ensuing court proceedings does not provide an action for false arrest, false imprisonment, or malicious prosecution.

This Ordinance authorizes a peace officer or fire official to issue a civil citation for a County infraction. This Ordinance does not preclude a peace officer or fire official from exercising his or her discretion and issuing a criminal citation for a violation of applicable State law in lieu of issuing a civil citation for a County infraction.

SEVERABILITY

If any provision of this Ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application. The provisions of this Ordinance are severable.

CITY FIRE REGULATIONS SUPERCEDE

This Ordinance is intended to apply to both the incorporated and unincorporated territory of Marshall County. However, if any city or incorporated territory in Marshall County has such fire regulations, then such local fire regulations supersede this Ordinance.

EFFECTIVE DATE

This Ordinance shall be in full force and effect thirty (30) days after its passage and publication as required by law.

PROOF OF
PUBLICATION OF

Adoption
Ordinance #26

STATE OF IOWA)
MARSHALL COUNTY)

John C. Strawn being first duly sworn on his oath deposes and states that he is the publisher of the

MID IOWA ENTERPRISE
a weekly newspaper of general circulation, published wholly in the English language and printed and published in

State Center, Iowa

which is within the County of Marshall, and State of Iowa; and the printed notice hereto attached is a true copy of the

Notice
and was published in the regular edition of said newspaper once each week on the same day of the week, one publication thereof being had on each of the following dates:

9-1-05

John C. Strawn
Publisher

Fees for publication \$ 56.07

Sworn to before me and subscribed in my presence by the said John C. Strawn II this 7 day of

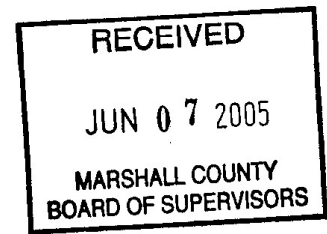
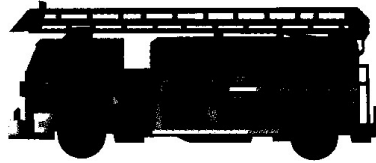
Sept., 2005.

Diana L. McCool
Diana L. McCool, Notary Public
Marshall County, Iowa

Dated at Marshaltown, Iowa, this 23rd day of August, 2005.

Leland H. Searle
Marshall County Auditor





June 3, 2005

Marshall County Board of Supervisors:

The Marshall County Fire Chiefs have requested an ordinance, which would benefit local fire protection officials by receiving advance notice of planned controlled open burning by property owners.

This ordinance would require a two hour advance notification to the fire chief of a jurisdiction and the county communications center before the burning of any building, structure, farmland, pasture (including Crop Reserve Acres) or other rural ground or woodland.

This ordinance would prevent unnecessary paging out of local fire departments by the communications center, when proper notification is made. These unnecessary fire calls put a strain on manpower throughout the county.

Marshall County Fire Chiefs



kde

Marshall County Fire Chiefs