

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

TO: Alan Campbell
FROM: Fire Prevention and Building Safety Commission (Commission) Staff
DATE: March 22, 2021
RE: Preliminary Staff Review of Ordinance No. 2021-5 – Burn Ordinance of the City of Greensburg, IN

The above referenced ordinance has been received by the Commission and has been assigned to staff for preliminary review. Staff will review your ordinance for any **duplication, conflict, or overlap** with the fire safety and buildings laws of the state and will provide the results of their review upon completion. Staff may request additional information or clarification of provisions in the ordinance.

Please note, the results of this preliminary staff review are not binding upon the Commission, and additional defects may be found at a later date, which may result in the denial of your ordinance. For this reason, it is strongly recommended that ordinances **follow the Commission's approved templates**. Ordinances that do not follow the templates are likely to duplicate, conflict, and overlap with the fire safety and building laws of the state and take longer to review. If the templates are not followed, **do not repeat language** in your ordinance that is **already required by law** in the Commission's rules (which includes language in the model codes adopted within the Commission's rules) or Indiana Code.

To obtain copies of the Commission's ordinance templates, follow these instructions:

1. Visit the Commission's webpage at this link: <http://www.in.gov/dhs/2375.htm>.
2. Scroll down to the "Ordinance Review" section and click the box to expand its content.
3. Within the expanded contents, there is a section titled "Ordinance Templates" that contains links to the Commission's ordinance templates. Click on the template that you wish to adopt.

Please be advised, **property maintenance codes are very likely to conflict** with the Commission's rules and must be narrowly tailored. The Commission's rules generally allow construction to comply with the codes in effect at the time of construction without needing to be modified to comply with current rules, such as those contained in property maintenance codes.

If after reading this notice you would like to revise your ordinance before it is reviewed, or if you have any questions regarding this process, please email buildingcommisison@dhs.in.gov and reference the title of your ordinance which is contained in the subject line of this correspondence.

ORDINANCE 2021-5

AN ORDINANCE AMENDING 2020-4, AN ORDINANCE CHANGING SOME SECTIONS IN THE BURN ORDINANCE.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GREENSBURG, INDIANA.

Section I. Definitions.

- A. Bonfire: An outdoor fire utilized for ceremonial purposes, that has a total fire area of 3 feet (914 mm) or greater in diameter and 2 feet (610 mm) or greater in height.
- B. Open Burning: The burning of material wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames. Recreational fires or the use of portable outdoor fire places. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues, or chimneys necessary to provide combustion air and permit the escape of exhaust gases are open.
- C. Recreational Fires: An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fire place, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking warmth or similar purposes.

Section II. Permits

A permit to burn may be issued in special instances or for special occasions by the Chief of the Greensburg Fire Department. This permit may be obtained at the Greensburg Fire Station at no cost.

Section III. Discontinuance

The Fire Chief, or his/her designee, is authorized to require open burning be immediately discontinued if such open burning constitutes a hazardous condition.

Section IV: Burning Provisions

- A. General. A person shall not kindle or maintain or authorize to be kindled or maintained any burning unless conducted and approved in accordance with Section IV(A-J).
- B. Exceptions or special use (i.e. fires used for celebrating school pep rallies and fires used for celebrating scouting activities) which may be approved at the discretion of the Fire Chief, or his/her designee.
- C. Material Restrictions. It shall be unlawful for any person, firm or corporation to burn any rubbish, rags, leaves, large volumes of yard waste, paper, boxes, boards, trash,

rubber, garbage, motor vehicles, building debris or materials, or refuse of any kind within the City limits without a permit.

- D. Extinguishment authority. When burning creates or adds to a hazardous situation, or a required permit for burning has not been obtained, or for any other reason deemed appropriate by the authorized fire official, the authorized fire officials may order the extinguishment of the fire.
- E. Open burning of rubbish is prohibited.
- F. The location for open burning shall not be less than 50 feet (15240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15240 mm) of any structure.

Exceptions:

1. Fires in approved containers that are not less than 15 feet (4572 mm) from a structure.
 2. Minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610mm) or less in height.
- G. A Bonfire shall not be constructed within 50 feet (15240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15240 mm) of a structure shall be eliminated prior to ignition.
- H. Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition.
- I. Portable Outdoor Fireplaces, including wood burning, or natural and propane gas fueled, shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material.

Exception: Portable outdoor fireplaces used at one- and two-family dwellings.

- J. Attendance. Burning material shall be constantly attended by a person knowledgeable in the use of fire extinguishing equipment and familiar with any limitations which restrict burning. An attendant shall supervise the burning material until the fire has been extinguished.

Section V: Enforcement and Penalties

The Fire Chief, or his/her designee, along with law enforcement is authorized to enforce the provisions of this ordinance.

Any person, firm or corporation who violates this Ordinance may be fined as follows:

\$100 for first offense

\$200 for second offense

\$500 for third offense or more

Fines are to be paid to the City Clerk Treasurer and deposited into a Fire Prevention Fund.

Section VI: Any Ordinance or any part thereof in conflict with the provisions of this Ordinance are hereby repealed.

Section VII: This Ordinance shall take effect and be in force from and after its passage and approval according to law.

ADOPTED AN PASSED by the Common Council of the City of Greensburg, Indiana this _____ day of _____, 2020

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NAYS

Council Members

Council Members

Presented by me to the Mayor of the City of Greensburg, Indiana on this _____ day of _____, 2020.

Brenda Dwenger, Clerk-Treasurer

Approved and signed by me, the Mayor of the City of Greensburg, Indiana on this _____ day of _____, 2020 at the hour of _____ p.m.

Joshua Marsh, Mayor