

ORDINANCE NO. 2018-569

AN ORDINANCE TO REGULATE OPEN BURNING ON PRIVATE AND PUBLIC PROPERTY WITHIN THE TOWN OF BATTLE GROUND TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS OF THE TOWN OF BATTLE GROUND

WHEREAS, the Town of Battle Ground has an interest in regulating open burning on both private and public property within the Town; and

WHEREAS, the Town of Battle Ground desires to establish an ordinance regulating open burning on private and public property in order to protect the public health, safety, and welfare of its residents.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF BATTLE GROUND that:

ORDINANCE NO. 2018 - 569 is added to the Town of Battle Ground City Code as follows:

Section 1. Definitions. For the purpose of this Ordinance, “open burning” is defined as the burning of any materials wherein smoke, ash, or embers are emitted into the air without passing through a stack or chimney. Open burning does not include smoking.

Section 2. General. No person shall start, kindle, cause, allow, or maintain any form of open burning on private or public property, except as specifically authorized by this ordinance or except as permitted, in writing, by the Battle Ground Town Marshall.

Section 3. Exemptions. Provided that the burning complies with applicable state and federal statutes, regulations, or other law and that the size of the fire does not exceed one foot high by two feet wide and two feet long, the following types of open burning shall be allowed:

- (a) The burning of charcoal, clean untreated wood, and other cooking fuels customarily used in an outdoor grill or traditional food cooking devices.
- (b) The burning of clean untreated wood in a commercially manufactured outdoor fire pit, commercially manufactured outdoor fire place, or other reasonably safe outdoor fire pit or outdoor fire place provided that:
 - (i) The fire is wholly contained within the fire pit or fire place;

- (ii) The fire pit or fire place is covered by a screen if necessary to control the emissions of ash and embers;
 - (iii) The fire does not constitute a nuisance;
 - (iv) The fire is not within ten (10) feet of combustible materials;
 - (v) The fire is not unattended and is fully extinguished if not attended;
 - (vi) There is not more than one (1) fire pit or fire place located on the lot.
- (c) Burning for bona fide ceremonial or bona fide religious purposes.

Section 4. Fire Department.

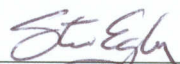
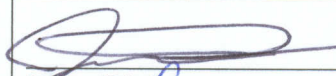
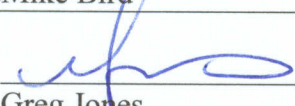
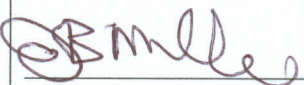
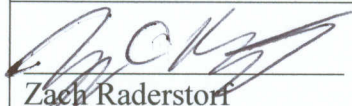
- (a) Even if the burning would be otherwise allowed under this Article, no open burning shall occur if, in the discretion of the Battle Ground Town Marshall, said burning represents a danger to the public health, safety, or welfare.
- (b) Burning by any government subdivision or government agency for training or other purposes shall not be prohibited by any section of this Ordinance.

Section 5. Leaves. No person shall burn leaves, refuse, or any other similar substances except by the express written approval of the Battle Ground Town Marshall.

Section 6. Enforcement. Whoever violates any provision of this ordinance shall be fined not more than two hundred fifty dollars (\$250.00). A separate offense shall be deemed committed on each day that a violation occurs or continues.

INTRODUCED ON FIRST READING ON THE 9 DAY OF July, 2018.

DULY PASSED BY THE COMMON COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, ON THE 9 DAY OF July, 2018, HAVING BEEN PASSED BY A VOTE AS FOLLOWS:

	AYE	NAY	ABSENT	ABSTAIN
 Steve Egly, President	✓			
 Mike Bird	✓			
 Greg Jones	✓			
 James Miller	✓			
 Zach Raderstorf	✓			

Presiding Officer

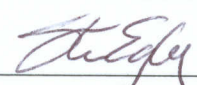
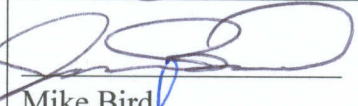
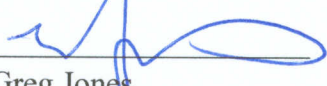
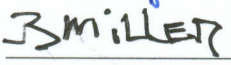

Attest:



Georgia Jones, Clerk-Treasurer

INTRODUCED ON SECOND READING ON THE 13TH DAY OF AUGUST, 2018.

DULY PASSED BY THE COMMON COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, ON THE 13TH DAY OF AUGUST, 2018, HAVING BEEN PASSED BY A VOTE AS FOLLOWS:

	AYE	NAY	ABSENT	ABSTAIN
 Steve Egly, President	✓			
 Mike Bird	✓			
 Greg Jones	✓			
 James Miller	✓			
 Zach Raderstorf	✓			

Presiding Officer

Attest:



Georgia Jones, Clerk-Treasurer