

ARTICLE 5: OPEN BURNING

Section 1. Open burning of any material within the corporate limits of the town shall be prohibited, except as permitted by this Article 5.

Section 2. *Exceptions.*

1) The following types of fires are allowed:

- a) Recreational or ceremonial fires, such as fires for scouting activities and fires used for cooking purposes, such as camp fires;
- b) Fires used for celebrating school pep rallies;
- c) Private residential burning where a residence contains four or fewer units. Burning is prohibited in apartment complexes and mobile home parks. Burning allowed in this division shall be in a noncombustible container sufficiently vented to induce adequate primary combustion air with enclosed sides; and
- d) Only clean wood products and clean petroleum products may be burned in fires allowed under this division 1.

2) A person, firm or corporation may open burn the following while located at the site of origin of such vegetation:

- a) Vegetation from:
 - i) A farm;
 - ii) An orchard;
 - iii) A nursery;
 - iv) A tree farm; or
 - v) A drainage ditch.
- b) Wood products derived from pruning, i.e. brush; and

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c) Undesirable wood remnants of the demolition of a predominantly wooden structure originally located on real property.

3) All open burning that is allowed under this article must comply with the following conditions.

a) A person who open burns shall extinguish the fire if the fire creates a nuisance or fire hazard.

b) Burning may not be conducted during unfavorable meteorological conditions such as:

i) High winds;

ii) Temperature inversions; or

iii) Air stagnation.

c) All fires must be attended at all times during burning until completely extinguished.

d) Asbestos containing materials may not be burned.

e) Adequate firefighting equipment shall be on-site for extinguishing purposes during burning times.

f) All residential burning shall be conducted during daylight hours only and shall be extinguished prior to sunset.

4) All fires and open burning permitted under this article shall be conducted at least 100 feet from any structure owned by a person other than the person who owns the property on which the fire or open burn is conducted.

(Ord. 2011-03, passed 5-23-2011)

Section 3. It shall be unlawful for any person, firm or corporation to burn by open burning any material on the public streets, sidewalks or alleys of the town or within four feet of the improved portion of said streets, sidewalks or alleys.

Section 4. Violations outlined in this article are punishable as Class C infractions pursuant to I.C. 34-28-5-4, which allows for a judgment of up to \$500. The payment of a penalty for the violation of any provision of this article shall not excuse the violation or permit it to continue. A separate offense shall be deemed committed each day such violation occurs or continues.

Section 5.

1) ***CLEAN PETROLEUM PRODUCTS.*** Uncontaminated, refined petroleum products, such as kerosene or diesel fuel, not previously used in any application.

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2) ***CLEAN WOOD PRODUCTS.*** Wood products, including vegetation, that are not coated with stain, paint, glue or other coating material.

3) ***OPEN BURN.*** The burning of any materials wherein air contaminants resulting from combustion are emitted directly into the air without passing through a stack or chimney from an enclosed chamber.

Section 6. The provisions of this article shall be in full force and effect from and after the date of publication as required by I.C. 5-3-1.
(Ord. 2000-10, passed 11-8-2000; Ord. 2006-02, passed 1-11-2006)