

TOWN OF NEW WHITELAND, INDIANA

ORDINANCE NO. 2016-03

OPEN BURNING ORDINANCE

**AN ORDINANCE AMENDING THE NEW WHITELAND TOWN CODE
TO PROHIBIT ALL OUTDOOR BURNING EXCEPT AS EXPRESSLY PERMITTED**

WHEREAS, pursuant to Indiana Code Chapter 36-8-2, the Town of New Whiteland (the “Town”), may, among other things, regulate conduct, or use, or possession of property, that might endanger the public health, safety, or welfare;

WHEREAS, pursuant to 626 Indiana Administrative Code Section 4, as authorized by Indiana Code Chapter 13-17-9, with limited exceptions, open burning is prohibited everywhere in Indiana;

WHEREAS, the New Whiteland Town Council, by way of this Ordinance, has decided to incorporate as part of the New Whiteland Town Code, the rules and exceptions of 626 IAC 4 and Indiana Code Chapter 13-17-9, to be enforced locally;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW WHITELAND, INDIANA, AS FOLLOWS:

Section 1. 626 IAC 4-1-3 and Indiana Code Chapter 13-17-9, and the separate definitions, prohibitions, rules, and exceptions, are hereby incorporated in and made a part of this Ordinance and the New Whiteland Town Code.

Section 2. Except as expressly permitted by Sections 3 and 4 of this Ordinance, all open burning everywhere in the Town of New Whiteland is prohibited.

Section 3. For maintenance purposes only and without first obtaining a permit or other authorization, a person may openly burn the following:

- (1) Vegetation from:
 - (A) a farm;
 - (B) an orchard;
 - (C) a nursery;
 - (D) a tree farm;
 - (E) a cemetery; or
 - (F) a drainage ditch.

Section 4. Subject to and in strict compliance with the conditions of Section 5 of this Ordinance, and other applicable conditions as set forth in this Section and 626 IAC 4-1-3, the following types of fires are permitted in New Whiteland:

(1) Recreational or ceremonial fires, such as fires for scouting activities, and fires used for cooking purposes, such as camp fires, subject to the following conditions:

(A) Only the following may be burned:

- (i) Clean wood products
- (ii) Paper
- (iii) Charcoal
- (iv) Clean petroleum products

(B) Any person conducting recreational or ceremonial fires, the size of which may exceed one hundred twenty-five (125) cubic feet, shall notify the local fire department and health department at least twenty-four (24) hours prior to any burning and include the date, time, and location of the burning.

(C) Fires shall:

- (i) not be ignited more than two (2) hours before the recreational activity is to take place; and
- (ii) be extinguished upon conclusion of the activity.

(D) The pile to be burned shall be less than or equal to five hundred (500) cubic feet and only one (1) pile may be burned at a time.

(E) The fires shall not be used for disposal purposes.

(F) Fires shall not be located within five hundred (500) feet of any fuel storage area or pipeline.

(2) Burning, for disposal purposes, of clean wood products and paper only, no leaves, yard waste, cardboard, building materials, food products, or trash, burned on private residential properties developed as single or two family residences, but only in noncombustible containers that are sufficiently vented to induce adequate primary combustion, and have enclosed sides and a bottom.

(3) Burning, for the purpose of heating and not disposal, using clean wood products, paper, charcoal or clean petroleum products, no leaves, yard waste, cardboard, building materials, food products, or trash in noncombustible containers that are sufficiently vented to induce adequate primary combustion or defined fire pits or outdoor fireplaces.

(4) Burning for cooking in grills, smokers, other noncombustible containers, that are sufficiently vented to induce adequate primary combustion, defined fire pits or outdoor fireplaces of only clean wood products, paper, charcoal or clean petroleum products, no leaves, yard waste, cardboard, building materials, food products, or trash.

"Clean wood products" means wood products that are not pressure treated or coated with stain, paint, glue, or other coating material.

"Clean petroleum products" means natural gas, propane gas, butane gas, and charcoal lighter fluid.

Section 5. Unless specifically excepted, the following conditions, in addition to the conditions as set forth in Section 4 of this Ordinance and the applicable provisions of 320 IAC 4-1-3, shall apply to all permitted fires and open burning in the Town of New Whiteland:

(1) Fires must be attended at all times and until completely extinguished.

(2) A fire shall be extinguished if at any time it creates a:

- (A) pollution problem;
- (B) threat to public health;
- (C) nuisance; or
- (D) fire hazard.

(3) No burning shall be conducted during unfavorable meteorological conditions such as any of the following:

- (A) High winds.
- (B) Temperature inversions.
- (C) Air stagnation.
- (D) When a pollution alert or air quality action day has been declared.

(4) All burning shall comply with other federal, state, and local laws, rules, and ordinances.

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

(6) Open burning shall be conducted during daylight hours only, and all fires, except for recreational or ceremonial fires, such as campfires, shall be extinguished before sunset.

Section 6. Fires for cooking purposes only, contained in non-combustible containers-grills- in which only clean wood products, paper, charcoal, and clean petroleum products may be burned, are expressly permitted in Town parks, exclusively in designated areas. All other open burning on Town property is strictly prohibited.

Section 7. Any person violating this Ordinance may be fined, by the Town, up to \$150 per occurrence.

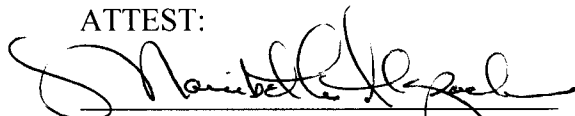
Section 8. This Ordinance repeals and replaces all provisions of the Town Code and all Town ordinances and parts thereof with which it may be in conflict.


Section 8. This Ordinance shall be effective upon its final adoption and publication as required.

Introduced and adopted on first reading by the Town Council of the Town of New Whiteland on the 19th day of April, 2016.

Adopted on second and final reading by the Town Council of the Town of New Whiteland on the ~~3rd~~^{17th} day of May, 2016.

ATTEST:


Maribeth Alspach, Clerk-Treasurer


John Perrin, President
Scott Alspach, Vice