

BURNING REGULATIONS

§ 94.70 OPEN BURNING.

(A) This section shall further define Article 11 Chapter 1102 of the Fire Prevention Code as published by the Indiana Fire Prevention and Building Safety Commission.

BARBECUE PIT OR GRILL. A stationary or portable device, with either electric, gas or charcoal fuel, used for the preparation of food.

HAZARDOUS CONDITION. A situation where the Fire Department Officer in charge determines that the fire may be capable of spreading or damaging other property or that the smoke emissions may be offensive to occupants of surrounding property.

OPEN BURNING OR OPEN FIRE. Any burning of combustible materials out of doors. Excluded is burning in a barbecue pit or grill where the base fuel for heat is charcoal products.

RECREATIONAL OR CAMP FIRE. The burning of wood products other than refuse where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbecue grill or barbecue pit. A **RECREATIONAL OR CAMP FIRE** shall have a total fuel area no greater than 36 inches in diameter and a fuel load not to exceed two feet in height.

REFUSE. Garbage, rubbish, paper, leaves, grass, trade waste, trash, plastic or other waste products.

SMOKE NUISANCE. Smoke emissions may be deemed a nuisance when a complaint is received that the smoke emissions are offensive to the complaining party.

WOOD PRODUCTS. Untreated and unpainted lumber or natural wood other than leaves and vines.

(Ord. G-28-99, passed 12-28-99)

§ 94.71 BURNING PROHIBITED.

(A) No person or business shall kindle or maintain any open burning consisting of a trash fire, leaf fire, bonfire, refuse fire, or other open burning.

(1) Exemptions. The following types of fire may be allowed:

- (a) Bonfires celebrating school pep rallies.
- (b) Recreational camp fires for scouting or family cookout activities.

(2) All exemptions shall be subject to the following:

(a) A garden hose connected to a water supply, buckets, shovel, fire extinguisher or other approved fire-extinguishing equipment shall be readily available at the burn site.

(b) A Burn Permit shall be obtained from the Fire Department at least 24 hours in advance of the permitted open burning. The burn permit signed by the Fire Chief or his designee shall be on site at the time of the permitted fire. Notwithstanding the foregoing, persons planning on or desiring to undertake recreational campfires for scouting or family cookout activities as set forth in § 94.71(A) (1)(b) above shall not be required to obtain a burn permit for such activities.

(c) Only wood products shall be burned - no leaves, paper or trash.

(d) A fire shall be attended by a responsible party as listed on the burn permit at all times until completely extinguished.

(e) If open burning creates a smoke nuisance, or a hazardous condition exists, the open burning shall be immediately extinguished.

(f) A fire shall be located at least 25 feet away from any structure, fence or right of way.

(B) Any person who recklessly, knowingly or intentionally kindles, or maintains any open burning consisting of a trash fire, leaf fire, bonfire, refuse fire, or other open burning that damages property of another person or spreads to property of another person may be liable for criminal mischief.

(C) Burning other than mentioned in this article may be permitted provided a variance pursuant to 326 IAC 4-1-1 has been approved and received from the Indiana Department of Environmental Management. Burning must meet the restrictions of the variance. The variance must be registered with the Fire Department and on the burn site for verification.

(D) Penalties for violations of this chapter do not preclude the Department of Environmental Management from seeking legal action for violations of 326 IAC 4-1.

(E) *Liability for fire.* Any person who allows the accumulation or existence of combustible material which constitutes or contributes to a fire may not refute liability for violation of this chapter on the basis that said fire was set by vandals, accidental or an act of God.

(Ord. G-28-99, passed 12-28-99)

§ 94.72 ENFORCEMENT OF PROVISIONS.

The Fire Department, Police Department and the Department of Neighborhood Code Enforcement shall be charged with the duty of enforcing the terms of § 94.71.

(Ord. G-28-99, passed 12-28-99)