

## **ARTICLE I. IN GENERAL**

### **Sec. 6-1. Open burning.**

- (a) No person shall open burn any material except as provided in this section.
- (b) The following types of fires are permitted:
  - (1) Fires celebrating and accompanying school pep rallies;
  - (2) Fires used for recreational and cooking purposes, i.e., camp fires;
  - (3) Recreational fires in residentially zoned areas with the diameter of said fire not to exceed thirty-six (36) inches;
  - (4) Residential burning where residence contains two (2) or fewer units. Burning shall be in a noncombustible container sufficiently vented to induce adequate primary combustion air with enclosed sides, a bottom, and mesh covering with openings no larger than one-fourth inch square. From start of any outside burning to completion of that burning shall not be longer than twenty (20) minutes. Burning is prohibited in apartment complexes and mobile home parks;
  - (5) Leaf fires under conditions of subsection (d) of this section.
- (c) All exemptions under subsection (b) shall be subject to the following:
  - (1) Only wood products or products derived from wood shall be burned unless otherwise stated above;
  - (2) Fires shall be attended at all times until completely extinguished;
  - (3) Recreational fires in city parks shall be subject to the rules and regulations of the park department;
  - (4) If fires creates a nuisance or a fire hazard, they shall be extinguished immediately.
  - (5) No burning shall be conducted during unfavorable meteorological conditions such as temperature inversions, high winds, air stagnation, etc.
  - (6) Leaf fires shall be allowed within the city under the following conditions:
    - a. A permit under subsection (d) of this section shall be obtained from the fire department.
    - b. Burning shall take place no less than fifty (50) feet from nearest building or hazard area.
    - c. Burning shall be prohibited on city streets, alleys or other city property.
    - d. Burning shall not be permitted in congested neighborhoods.
    - e. Burning trash or garbage of any type in a leaf fire is prohibited.
    - f. All conditions of this subsection shall apply.
  - (7) All fires shall be surrounded by brick, stone, ceramic, or other non-flammable material.
  - (8) No fire shall contain or consume items which will naturally result in noxious fumes or excessive smoke.
  - (9) Burning shall not be conducted within thirty (30) feet of a building located on adjacent property.
- (d) Burning with prior approval of the fire department consistent with rule 326 IAC 4-1 shall be allowed for the following:
  - (1) Emergency burning of spilled petroleum products when all reasonable efforts to recover the spilled material have been made and failure to burn would result in an imminent fire hazard or water pollution problem;
  - (2) Burning of refuse consisting of material resulting from a natural disaster;

- (3) Burning for the purpose of fire training;
  - (4) Burning of natural growth derived from a clearing operation, i.e., removal of natural growth for change in use of the land;
  - (5) Burning of highly explosive or other dangerous materials for which no alternative disposal method exists or where transportation of such materials is impossible.
- (e) Burning not exempted by subsection (e) and 326 IAC 4-1-3 may be permitted with prior approval of the fire department and receipt of a variance application and approval of the commissioner or the commissioners designated agent of the state air pollution control board.
- (f) This section shall be jointly enforced by officers of the fire department and police department.
- (g) Any person who shall violate any of the provisions of this section shall receive a written warning on first offense. Any person who shall violate any of the provisions of this section within one hundred eighty (180) days of receiving written warning or fail to comply with any order made thereunder shall be guilty of a misdemeanor.
- (Ord. No. 760, § 2-8, 2-8-90; Ord. No. 911, 6-3-97)