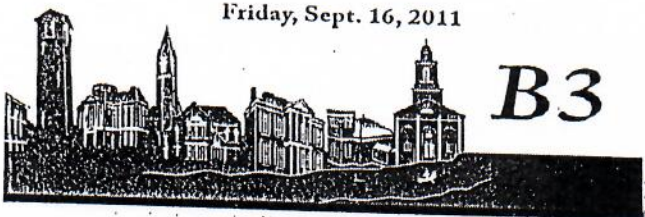


Friday, Sept. 16, 2011



PUBLIC NOTICE

ORDINANCE NO. 2011-008

OPEN BURNING ORDINANCE IN THE TOWN OF WAYNETOWN, INDIANA

WHEREAS, since the adoption by the Town of Waynetown of an ordinance prohibiting certain open burning, certain changes are desired by the Fire Department, and

WHEREAS, the Waynetown Town Council wishes to adopt those changes and to make its open burning ordinance more effective,

THEREFORE, BE IT HEREBY ESTABLISHED AND ORDAINED by the Town Council of the town of Waynetown, that:

SECTION 1. Waynetown Town Code 91.05 concerning open burning.

91.05 OPEN BURNING

A. Definitions. The following definitions shall apply unless the context clearly indicates or requires a different meaning:

Opening Burning - Open burning is defined as 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.

D. Ban on Open Burning. No person shall start, kindle, cause, allow, or maintain any form of open burning of any materials on private or public property, except as specifically authorized by this ordinance. **THIS MEANS NO BURNING OF GRASS, GRASS CLIPPINGS, WEEDS, LEAVES, YARD CLEANUP WASTE, CARDBOARD, TRASH, FURNITURE, ETC. IS ALLOWED.**

THE ONLY THING THAT CAN BE BURNED IS CLEAN UNTREATED WOOD OR CHARCOAL.

NOTHING CAN BE BURNED ON THE GROUND.

C. Fire Nuisance Conditions. No person shall allow the accumulation or existence of combustible material that constitutes or contributes to open burning. Any person who allows the accumulation or existence of combustible material which constitutes or contributes to open burning may not refute liability for violation of this ordinance on the basis that said fire was set by vandals, an accident, or an act of God.

D. Open Burning Exceptions. Subject to the following rules, only the following types of open burning are allowed. Also see Open Burning Restrictions below.

1. Only burning of charcoal, clean untreated wood, and other cooking fuels customarily used in an outdoor grill or traditional food cooking devices is allowed.
2. Only burning of charcoal, clean untreated wood, and other cooking fuels customarily used in an outdoor raised fire pit is allowed. A fire cannot be on the ground; it must be in a raised fire pit. See raised fire pit dimensions below.
3. Only burning of clean untreated wood in a barrel is allowed.

E. Open Burning Restriction. The following conditions apply to the open burning exceptions listed above.

1. Only clean, untreated wood or charcoal can be used.
2. Paper or clean petroleum products shall be used for ignition purposes only.
3. Only raised fire pits are allowed and shall be no larger than 3ft in diameter or 3 ft x 3 ft square. Only clean untreated wood and charcoal shall be burned in the raised fire pit. The clean untreated wood and charcoal shall not extend past the dimensions of the fire pit listed above. Also, the height of the clean untreated wood and charcoal cannot exceed 9 inches past the top of the fire pit and the flame cannot exceed 18 inches past the top of the fire pit. Under no circumstances can a fire be placed directly on the ground.

4. The fire must be attended at all times and shall be extinguished upon conclusion of the activity. The fire cannot be left to smolder.

5. The fire shall not be for disposal purposes.

6. The fire shall not be within a horizontal line of 50 feet of a power line.

7. The fire shall be fully extinguished by 2:00 A.M.

8. Only clean untreated wood may be burned in a barrel.

9. Fires must be extinguished if they create a fire hazard, nuisance, pollution problem, or threat to public health.

10. Burning shall be done during safe weather conditions. Burning shall not occur, during high winds, temperature inversions, air stagnation, or when a pollution alert or ozone action day has been declared.

11. All burning shall comply with other federal, state, and local laws, rules, and ordinances.

12. When Montgomery County and/or the Wayne Township Fire Chief issues a Burn Ban then the Town of Waynetown will automatically be under a Burn Ban. If the Town of Waynetown is under a Burn Ban only charcoal and gas grills are allowed. Once Montgomery County and/or the Wayne Township Fire Chief lifts the Burn Ban then the Town of Waynetown will automatically no longer be under a Burn Ban.

F. Enforcement. The open burning provisions are enforceable by the duly appointed Town Marshal or Law Enforcement Officers within the Town, acting on his or her own initiative or at the request of the request of the Town Council. Any person found in violation of this ordinance shall be subject to the following:

1. The Town Marshal or Law Enforcement Officers within the Town shall issue a warning notice to a first-time violator stating that he or she is in violation. The person must then correct the violation by immediately extinguishing the fire.

2. Failure or refusal by the violator to immediately extinguish the fire shall result in a citation being issued, and the fine for each such violation shall be \$100 payable to the Town Clerk-Treasurer within ten (10) days.

3. Each subsequent starting, kindling, causing, or allowing of a new fire after a warning notice or citation has been issued, shall be considered a separate offense.

G. Ceremonial Fires. Fires used for ceremonial purposes such as school pep rally fires or the celebration of scout activities.

1. Ceremonial fires must be approved in advance by the Fire Department and Fire Department will give you specific rules to follow.

H. Variances. Other types of fires may be approved as follows:

1. Any other type of fire whereby a Citizen of the Town has obtained a variance from the provisions of this ordinance by petitioning the Common Council may be allowed. However, the Town Council cannot grant a variance for burning that would otherwise violate the provisions of the 326 IAC 4-1 et seq. and as amended and IC 13-17-9. If a variance is approved the Town Council and/or the Fire Department will give you specific rules to follow.

2. The following types of fires may be allowed if approved by the Indiana Department of Environmental Management (IDEM). If approved by IDEM you must notify Fire Department and/or Town Council. The Fire Department and/or the Town Council will give you specific rules to follow.

- (a) Fire fighter training;
- (b) Fire extinguisher training;
- (c) Vegetation propagation;
- (d) Use of an air curtain destructor;
- (e) Variance situations based on 326 IAC 4-1-(c) (3-8) and 326 IAC 4-1-4).

SECTION 2. All provisions of existing ordinances in conflict with this ordinance are hereby repealed. In the event that any provision of this ordinance is held to be invalid by a court of competent jurisdiction, all other provisions of this ordinance not otherwise invalidated shall remain in full force and effect.

SECTION 3. This ordinance shall be effective upon passage, and the penalty provisions herein shall be enforceable thirty (30) days after publication of this ordinance in an appropriate newspaper of record.

Passed and adopted this 13th day of September, 2011.

WAYNETOWN TOWN COUNCIL

Barry Lewis

Steve Shea

Evelyn Swank

Leah Switzer

Bob Cox

Sandy Proctor, Waynetown Clerk-Treasurer

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