

OUTDOOR BURNING

§ 93.20 APPLICATION.

All outdoor burning of any material by residential persons is banned within the municipal town limits, except as provided by 326 I.A.C. 4-1-3 or 326 I.A.C. 4-1-4.

(Ord. 5-1991, passed 3-18-91) [Penalty, see § 10.99](#)

§ 93.21 EXCEPTIONS.

(A) The following types of fires are permitted subject to the limitations found below in division (B)(2) below:

- (1) Fires used for celebrating Twelfth Night Ceremonies;
- (2) Fires used for celebrating school pep rallies;
- (3) Fires used for celebrating scouting activities;
- (4) Fires used for recreational and cooking purposes, such as camp fires;

(5) Residential burning where residence contains four or fewer units; (Burning shall be in a non-combustible container sufficiently vented to induce adequate primary combustion air with enclosed sides, a bottom and a mesh covering with opening no larger than inch square. Burning is prohibited in apartment complexes and mobile home parks.)

(6) Farm burning and burning by the Department of Natural Resources as allowed by 326 I.A.C. 4-1-3; and

(7) Burning with prior receipt of a variance application and approval of the State Air Pollution Control Board or its designated agent, as allowed by 326 I.A.C. 4-1-1.

(B) All permitted type of fires shall be subject to the following.

- (1) Only untreated wood products shall be burned unless otherwise stated.
- (2) Fires shall be attended at all times until completely extinguished.

(3) (a) If fires create an air pollution problem, a nuisance, a health hazard or a fire hazard, they shall be extinguished.

(b) A nuisance shall be defined so as to include a complaint regarding the burning from any downwind property owner or occupant.

(4) All residential burning shall occur between the hours of 9 a.m. and 6 p.m., during which times the fires may be replenished, but only in a manner that all of the burning material is consumed by 6 p.m.

(5) No burning shall be conducted unless the wind is at least five mph and no more than 15 mph.

(6) No burning shall be conducted on property owned by another party, including publically-owned streets, roads and highways.

(7) No burning shall be conducted within 100 feet of a structure owned by another party.

(8) No burning shall be conducted within 100 feet of a power line.

(Ord. 5-1991, passed 3-18-91) [Penalty, see § 10.99](#)

§ 93.22 ENFORCEMENT.

(A) Any persons convicted of violation of this subchapter shall be fined by a court of competent jurisdiction, plus cost for each violation.

(B) The Fire Department shall extinguish every fire that is in violation of this subchapter in the town.

(C) Any persons convicted of rekindling a fire extinguished by the Fire Department shall be considered as a separate offense and, upon conviction by a court of competent jurisdiction of rekindling a fire extinguished by the Fire Department, the fine shall be in an amount as set by the Council, plus costs for each violation.

(Ord. 5-1991, passed 3-18-91)