

TOWN OF NEW WHITELAND

ORDINANCE NO. 1084

AN ORDINANCE AMENDING THE NEW WHITELAND TOWN CODE TO SPECIFICALLY AUTHORIZE THE BURNING OF CERTAIN RECREATIONAL BONFIRES, AND OTHER FIRES, UNDER CERTAIN CIRCUMSTANCES

WHEREAS, the Town Council for the Town of New Whiteland has determined that the ordinance provisions related to open burning should be amended to be generally consistent with current State law concerning open burning;

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

Section 1. Section 6-103(11) shall be deleted.

Section 2. Section 6-110 shall be renumbered to be Section 6-111, and a new Section 6-110 shall be added to read as follows:

6-110 Recreational Open Burning. Recreational or ceremonial fires, such as fires for scouting activities and small bonfires, and fires used for cooking purposes, such as camp fires, are allowed, subject to the following conditions:

- 1) Only clean wood products, paper, charcoal, or clean petroleum products may be burned.
- 2) The size of the pile to be burned shall be no more than one hundred twenty-five (125) cubic feet in size.
- 3) Fires shall not be ignited prior to two (2) hours before the recreational activity is to take place and shall be extinguished upon conclusion of the activity.
- 4) Only one (1) pile may be burned at a time.
- 5) Such fires shall not be used for disposal purposes.
- 6) Such fires shall not take place within five hundred (500) feet of any fuel storage area or pipeline.
- 7) Such fires must be attended at all times and until completely extinguished.
- 8) If at any time such a fire creates:
 - (A) a pollution problem;
 - (B) a threat to public health;
 - (C) a nuisance (Such a fire shall be considered a nuisance if a person reasonably complains that 1) the fire is injuriously affecting their own health or the health of someone for whom they are responsible, 2) the fire is offending their senses, or 3) the fire is obstructing the free use of their property.); or
 - (D) a fire hazard;it shall be extinguished.
- 9) No burning shall be conducted during unfavorable meteorological conditions such as:

- (A) high winds, temperature inversions, or air stagnation; or
 - (B) when a pollution alert or ozone action days has been declared.
- 10) All burning shall comply with all other federal, state, and local laws, rules and ordinances.
 - 11) Adequate firefighting equipment shall be on-site for extinguishing purposes during burning times.

Section 3. Section 9-102 of the New Whiteland Town Code shall be amended to read as follows:

9-902 Proper Containers Required. It shall be unlawful for any person or corporation to set fire to any waste material, paper, trash, or accumulated waste and trash material unless it is confined to a device that will arrest the sparks and burning debris therefrom. Burning shall be in a noncombustible container that is sufficiently vented to induce adequate primary combustion, and that has enclosed sides and a bottom. Only clean wood products and paper may be burned.

Section 4. Section 9-903 of the New Whiteland Town Code shall be amended to read as follows:

9-903 Burning At Night Prohibited. It shall be unlawful in any district of the Town of New Whiteland for any person to burn waste, trash, or rubbish at any other time than one hour after sunrise in the morning to and including one hour before sunset in the evening. This section shall not apply to Recreational Opening Burning otherwise permitted.

Section 5. All other Ordinances and provisions of Ordinances of the Town of New Whiteland, not specifically affected or amended hereby, shall remain in full force and effect.

Section 6. The New Whiteland Clerk -Treasurer is hereby directed to make the above-described changes to the text of the Town Code and to print the text of the amendments so as to be inserted into the book version of the New Whiteland Town Code.

Section 7. The Clerk-Treasurer shall publish this Ordinance one (1) time within thirty (30) days after the passage of the ordinance. This Ordinance shall be in full force and effect upon passage and publication according to law.

Introduced to the Town Council of the Town of New Whiteland, Indiana, on the 15th day of June, 2004.

Passed through first reading by the Town Council on the 15th day of June, 2004, by a vote of 5 in favor and 0 against.

Duly passed and adopted on second and final reading this 16 day of July, 2004, by a vote of 4 in favor and 0 against.

NEW WHITELAND TOWN COUNCIL

John M. Perrin, Jr., President

FOR

[Signature]

 Terry Spencer

 Joseph A. Hoover

 Seth Alford

AGAINST

ATTEST:

[Signature]
 Maribeth Alspach, Clerk-Treasurer