

ORDINANCE # 2004-03
(Replacing Ordinance #04-2002)

WHEREAS, proper fire control measures must be enacted to prevent unsafe and dangerous conditions which are detrimental to the health, safety and general welfare or the people of the Town of Gosport, Indiana.

IT IS NOW THEREFORE ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GOSPORT, OWEN COUNTY, INDIANA:

OUTDOOR FIRES

Section 1 - Definition of Terms

Unless otherwise stated, the following definitions apply to this rule:

- (1) "Adequate fire fighting equipment" means equipment sufficient and appropriate under the circumstances to extinguish a fire.
- (2) "Bonfire" means a large outdoor fire to be kindled on private land for recreation or demonstration purposes.
- (3) "Clean petroleum products" means an uncontaminated, refined petroleum product, such as kerosene or diesel fuel, not previously used in any application.
- (4) "Clean wood products" means wood products, including vegetation and fallen leaves, that are not coated with stain, paint, glue or other coating material.
- (5) "Emergency burning" means the burning of clean wood waste or deceased animals caused by a natural disaster or an uncontrolled event such as the following:
 - (A) A tornado.
 - (B) High winds.
 - (C) An earthquake.
 - (D) An explosion.
 - (E) A hail storm, a rain storm, or an ice storm.
- (6) "Garbage" means animal and vegetable wastes (except body waste), including garbage, rubbish, ashes, street cleanings, dead animals and industrial wastes.
- (7) "Open burn" means 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.
- (8) "Open burning approval" means an authorization allowing an activity that otherwise is not exempt or allowed by law.
- (9) "Refuse" means all solid wastes (except body waste), including garbage, rubbish, ashes, street cleanings, dead animals and industrial wastes.
- (10) "Rubbish" means solid wastes consisting of combustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, and similar products.

Section 2 - Types of Burning Permitted (Maintenance)

This ordinance allows certain types of open burning for maintenance purposes listed as follows:

- (1) A person may open burn the following:
 - (A) Vegetation from a farm, an orchard, a nursery, a tree farm or a drainage ditch.
 - (B) Wood products derived from pruning or clearing a roadside by a county highway department.
 - (C) Wood products derived from the initial clearing of a public utility right-of-way.
- (2) All open burning that is allowed under this section must comply with the following conditions:
 - (A) A person who open burns must obtain an one-day permit from the Town of Gosport Clerk/Treasurer before igniting the fire. A fee of \$10.00 shall be fined for failure to obtain a proper burn permit.
 - (B) A person who open burns shall extinguish the fire if the fire creates a nuisance or a fire hazzard. If, at any time, a fire creates a pollution problem, a threat to public health, a nuisance or a fire hazzard, it shall be extinguished.
 - (C) Burning may not be conducted during unfavorable meteorological conditions such as high winds, temperature inversions or air stagnation. The Fire Chief of the Town of Gosport shall determine when weather conditions are unfavorable for open burning.
 - (D) All fires must be attended at all times during burning until completely extinguished.

***Section 3 - Types of Burning Permitted
(Recreational and Ceremonial Fires; Cooking Fires)***

This ordinance allows certain types of open burning for ceremonial or recreational purposes and for cooking purposes listed as follows:

- (1) Recreational (i.e., bonfires) or ceremonial fires, such as for scouting activities, and fires used for cooking purposes, such as camp fires and outdoor grilling fires, are authorized under the following conditions:
 - (A) Only clean wood products, paper, charcoal, or clean petroleum products may be burned.
 - (B) The Gosport Fire Department must be notified at least 24 hours prior to any burning where the size of the pile being burned is more than 125 cubic feet. The person responsible for overseeing and controlling the fire shall obtain a one-day permit and obtain a burn permit from the Gosport Clerk/Treasurer. A fee of \$10.00 shall be fined for failure for failure to obtain a proper burn permit.
 - (C) Fires shall not be ignited prior to two hours before the recreational, ceremonial or cooking activity is to take place and shall be extinguished upon conclusion of the activity.
 - (D) The pile to be burned shall be less than or equal to 1,000 cubic feet only and only one pile may be burned at a time.
 - (E) The fires shall not be used for disposal purposes.
 - (F) Fires used for cooking purposes, such as camp fires and outdoor grilling fires, are authorized under this Section and the provisions of Section 3 above.
- (2) All open burning that is allowed under this section must comply with the following conditions:
 - (A) A person who open burns shall extinguish the fire if the fire creates a nuisance or a fire hazard. If, at any time, a fire creates a pollution problem, a threat to public health, a nuisance or a fire hazzard, it shall be extinguished.
 - (B) Burning may not be conducted during unfavorable meteorological conditions such as high winds, temperature inversions or air stagnation. The Fire Chief of the Town of Gosport shall determine when weather conditions are unfavorable for open burning.
 - (C) All fires must be attended at all times during burning until completely, extinguished.

***Section 4 - Types of Burning Permitted
(Private Residential Burning)***

This ordinance allows certain types of open burning at private residences (other than apartment and condominium complexes and at mobile home parks) under the following conditions:

- (1) **Only clean wood products and paper may be burned. No garbage, refuse or rubbish may be burned.**
- (2) **Burning shall take place in a non-combustible container that is sufficiently vented to induce adequate primary combustion and has enclosed sides and bottom.**
- (3) Burning, for the purposes of heating, may take place between October 1 and May 15 of each calendar year. Garbage, refuse or waste shall not be incinerated for the purpose of generating heat.
- (4) Fires used for cooking purposes, such as camp fires and outdoor grilling, are authorized under this Section and under the provisions of Section 3 above.

Section 5 - Hours of Open Burning

Open burning under this ordinance is permitted during the following times:

- (1) Open burning for maintenance purposes under Section 2 of this Ordinance shall be permitted between 6 a.m. and 6 p.m. daily.
- (2) Recreational and ceremonial fires under Section 3 of this Ordinance and fires used for cooking purposes as allowed under Section 3 of this Ordinance shall be permitted between 6 a.m. and 1 a.m. daily.
- (3) Private residential burning under Section 4 of this Ordinance (except for the burning of fallen leaves) shall be permitted between 6 a.m. and 6 p.m. daily.
- (4) Private residential burning of fallen leaves under Section 4 of this Ordinance shall be permitted between 6 a.m. and 6 p.m. daily during the months of December, January, February, March, April, May, June, July and August of each year, and between 6 a.m. and 9 p.m. daily during the months of September, October, and November of each year.
- (5) Open burning, for the purposes of heating, under Section 4 of this Ordinance may take place uninterrupted for any given 24-hour period between October 1 and May 15 of each calendar year.

Section 6 - Enforcement

The Town Marshal of the Town of Gosport and the Fire Chief of the Town of Gosport shall have concurrent authority to enforce the provisions of this Ordinance and shall investigate any alleged violations brought to their respective attentions.

*Section 7 - Incorporation of State
Administrative Regulations*

All applicable Burning Regulations contained in 326 IAC 4-1-0.5 et seq., to the extent that they are not inconsistent with this Ordinance, are incorporated herein and are made a part hereof.

PASSED AND ADOPTED BY THE Town Council of the Town of Gosport, Indiana, this 05th day of April, 2004.



Bill Arnold, President



Tammy Rogers, Council Member



Jay Thompson, Council Member



Jodi Hester, Clerk/Treasurer