

OPEN BURNING (G-1-1998)

Providing for regulation of open burning in the Town of Swayzee, IN.

SECTION 1:

(a) **TITLE.** This ordinance, and all ordinances supplemental or amendatory hereto, shall be known as the “Open Burning Code of the Town of Swayzee, Indiana”, may be cited as such, and will be referred to herein as “this code”.

(b) AIR POLLUTION AND OPEN BURNING

(1) **PURPOSE.** This section is designed to control the burning of certain combustible and non-combustible material in the open air or in containers, furnaces or similar appurtenances, causing the emission of smoke, offensive odors, fumes, gases, soot or other pollutants which interfere with the enjoyment by the people of the town of life and property.

(2) DEFINITIONS

“AIR POLLUTANTS” – any substance such as cinder fly ash, smoke fumes, gas, mist and offensive odors.

“AIR POLLUTION” – the presence in the outdoor atmosphere of substance in quantities.

“ADEQUATE CONTAINER” – a noncombustible permanent structure, or a 55 gallon barrel or drum sufficiently vented to induce adequate primary combustion, with enclosed sides, a bottom, and a mesh covering the top with openings no larger than ¼ inches.

No burning shall take place during periods of high winds, or air stagnation. The town marshal may determine that conditions are unfavorable for burning, and may order that any and all fires be extinguished at such times.

SECTION 2: PENALTIES

If any person, firm or corporation shall violate any of the provisions of this ordinance, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the Town Marshal, or shall fail, neglect or refuse to obey any lawful order given by the Town Marshal in connection with the provisions of this ordinance, for each such violation, failure or refusal, such person, firm or corporation shall be fined not less than \$25 and no more than \$2,500. Each day a violation continues after the enforcement officer causes a citation to be issued against the violation constitutes a separate offense. Payment of such penalty shall in no way effect any of the other remedies or enforcement procedures, including a temporary or permanent injunction against the ordinance violation.

SECTION 3: PERMITTED OPEN BURNING

Open burning is permitted only in the following instances:

(A) Outdoor Cooking / Grilling

(B) Camp Fires and Scouting Activities with Prior Approval from the town marshal

Burning of combustible materials in an adequate container is permitted only in the following instances:

- (A) The burning takes place at a distance of 10 or more feet from any combustible product, including buildings, automobiles or any structure.
- (B) The burning does not take place upon the sidewalk, streets, or on the ground in front of the building.

Burning of combustible materials and open burning are subject to the following restrictions:

- (A) Only wood and paper products shall be burned.
- (B) Fires shall be attended at all times until completely extinguished.
- (C) Fires shall be extinguished if the town marshal, his designee or the Swayzee Fire Dept. determines that they are a nuisance, fire hazard, or air pollution problem.
- (D) All burning of combustible materials in adequate containers described above must occur between during daylight hours only or comply with IDEM regulations.
- (E) No burning shall be conducted during unfavorable meteorological conditions such as temperature inversions, high winds or air stagnation.
- (F) No fire pits, burn piles, or open burns of any kind are allowed at a recognized town park other than the use of a grill or grilling device where the burn is used for the primary use of cooking/preparing food for consumption.

SECTION 6: FIRE PIT REGULATIONS

The use of fire pits will be allowed provided the following regulations are complied with;

- 1) For clarity, a fire pit includes a permanent below ground fire pit with barrier, a permanent grade level outdoor fireplace or a portable outdoor fireplace / burn barrel, all intended to contain and control outdoor wood fires.
- 2) Portable fire pits, constructed of steel, brick, or masonry, shall be used in accordance with the manufactures specifications ad safety guidelines and must be placed upon a non-combustible surface.
- 3) Only natural seasoned firewood or commercial logs may be burned.
- 4) The fires in fire pits shall be kept manageable and not to exceed the barrier or containment of such fire pit.
- 5) The use of the fire pit must be attended and supervised by a competent adult until the fire has been completely extinguished. A legal resident/tenant of a property may use a fire pit in accordance to this ordinance as long as the property owner or assigned management company grants written permission to the legal resident/tenant. The use of the fire pit must be attended and supervised by the legal resident/tenant until the fire has been completely extinguished.
- 6) A portable 10 pound ABC type fire extinguisher or other approved extinguishing equipment, such as a garden hose, bucket of sand, or dirt must be readily available.
- 7) The use of a fire pit which creates a hazardous or objectionable condition shall be prohibited. The code official is authorized to order the extinguishment of a fire in a fire pit creating a hazardous or objectionable condition.
- 8) The use of the fire pit shall not be located within under 10 feet of a structure or any combustible material. In no case shall the appliance be located directly under overhead combustible construction.

- 9) The use of the fire pit shall not cause any building fire alarm system to activate.
- 10) The use of a fire pit shall include common sense, respect for neighbors and neighborhoods.
- 11) The use of gas, or LP type fire pits and fire places are permitted but must follow the same regulations.

SECTION 7: IDEM COMPLIANCE

- (1) Open burning is not allowed in mobile home parks, apartment or condominium complexes or buildings of more than four dwelling units.
-

