

ARTICLE III. - OPEN BURNING³

Footnotes:

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State Law reference— Similar provisions, IC 13-1-1-4, 13-1-1-1, 13-7-1-1, 13-7-7-2.

Sec. 13-30. - Applicability.

The requirements of this article establishes standards for prohibiting open residential burning of material which would result in emissions of regulated pollutants in the town, except in areas where open burning is permitted by section 13-32 or as authorized by other state, federal, or local laws.

(Ord. No. 91-43, § 1, 3-10-92; Ord. No. 05-11, § 1, 4-12-05)

Sec. 13-31. - Prohibition against open burning.

No persons shall openly burn any material except as provided in section 13-32 or section 13-33.

(Ord. No. 91-43, § 1, 3-10-92)

Sec. 13-32. - Exemptions.

The following types of fires are permitted:

- (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, i.e., camp fires.
- (5) Reserved.
- (6) Farm burning. Wood products derived from the following farm maintenance operations.
 - (1) Burning of fence rows and fields or materials derived therefrom. Clearing operations per section 13-33 are not considered exempt as farm burning.
 - (2) Burning of natural growth derived from clearing a drainage ditch.
 - (3) Burning of limbs and prunings only if diseased or infected so as to present a contamination problem.
- (7) Reserved.
- (8) Department of natural resources; in order to facilitate "prescribed" burning on DNR controlled properties for wildlife habitat maintenance, forestry purposes, and natural area management.
- (9) United States Department of the Interior; in order to facilitate a National Park Service Fire Management Plan for the Indiana Dunes National Lakeshore.

All exemptions shall be subject to the following:

- (1) Only wood products shall be burned unless otherwise stated above. Wood products are natural growth material; no processed, painted, or treated products.

- (2) Fires shall be attended at all times until completely extinguished.
- (3) If fires create an air pollution problem, a nuisance, or a fire hazard, they shall be extinguished. The persons responsible shall also be subject to penalties per this chapter.
- (4) All farm burning shall occur during daylight hours during which the fire(s) may be replenished, but only in such a manner that all of the burning material is consumed by sunset.
- (5) No burning shall be conducted during unfavorable meteorological conditions such as temperature inversions, high winds, air stagnation.

(Ord. No. 91-43, § 1, 3-10-92; Ord. No. 05-11, §§ 2, 3, 4-12-05)

Sec. 13-33. - Variances.

Burning with prior approval from the Air Pollution Control Board of the State of Indiana shall be permitted per Indiana State Statutes and the Indiana Administrative Code.

(Ord. No. 91-43, § 1, 3-10-92; Ord. No. 05-11, § 4, 4-12-05)

Sec. 13-34. - Liability for fire.

- (a) Any person who allows the accumulation or existence of combustible material which constitutes or contributes to a fire causing fire pollution shall not be excused from responsibility thereof on the basis that said fire was set by vandals, accidental or an act of God.

(Ord. No. 91-43, § 1, 3-10-92)

Sec. 13-35. - Violations; penalties.

- (a) Any person violating this article shall be fined no less than one hundred dollars (\$100.00) for each violation.
- (b) Any person served with a citation for violating the provisions of this article may appear before the violations clerk pursuant to Chapter 2, Article V, of the Merrillville Municipal Code, admit the violation and pay the civil penalty. If a person does not appear within seven (7) days of issuance of the citation, it will be filed with a court of competent jurisdiction and processed accordingly.
- (c) It shall be the duty of the police department to furnish copies of the citation to the clerk-treasurer's office within seventy-two (72) working hours after issuance of the citation.

(Ord. No. 91-43, § 1, 3-10-92)

Secs. 13-36—13-39. - Reserved.