

ORDINANCE NO. 98-02

AN ORDINANCE REGULATING OPEN BURNING  
IN THE TOWN OF HILLSBORO

WHEREAS, the Town Council of the Town of Hillsboro has determined that it is in the interests of the public health of citizens of the Town of Hillsboro to regulate the open burning of materials in the Town of Hillsboro as a type of air pollution; and

WHEREAS, Indiana Code § 13-17-12-1 authorizes towns to enforce local air pollution ordinances consistent with air pollution control laws and to adopt and enforce more restrictive ordinances to further the express purposes of air pollution control laws;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HILLSBORO as follows:

Section 1. Incorporation by Reference of State Laws Regulating Open Burning. Indiana Code 13-17-9, and all regulations of the Indiana Air Pollution Control Board promulgated thereunder, as the same may be amended from time to time, are hereby adopted as part of this Ordinance and made a part hereof.

Section 2. Additional Restrictions on Open Burning. In addition to the restrictions imposed by state laws and regulations incorporated by reference pursuant to Section 1 of this Ordinance, the following restrictions shall be observed with respect to open burning within the Town of Hillsboro:

2.1. Materials Which May Be Burned. The only materials which may be burned in the Town of Hillsboro are clean wood products, including lumber (unpainted and unvarnished), trees, logs, branches, twigs, wood pulp, paper and paper products, and dry leaves. Leaves shall not be burned when wet. No trash (other than paper and paper products) shall be burned in the Town of Hillsboro.

2.2. No Burning on Pavement. Nothing shall be burned on the paved portion of any street or alley.

2.3. Time for Burning. No fire permitted by this Ordinance shall be started before the later of 8 a.m. or sunrise and all fires shall be extinguished before the earlier of sunset or 6 p.m., except for fires celebrating school pep rallies, scouting activities or campfires.

2.4. Adult Attending Fire. An adult shall tend the fire until the fire is completely extinguished by the expiration of the burning period set forth in Section 2.3 above.

2.5. Location of Fire. No fire shall be permitted within 15 feet of any combustible object, natural or man-made, including, but not limited to, trees, bushes, fences, poles or structures.

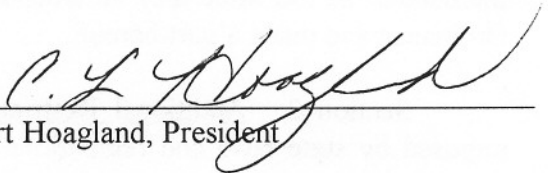
2.6. Noxious Odors or Gases. No fires shall be permitted to smolder or emit noxious odors, smoke or gases.

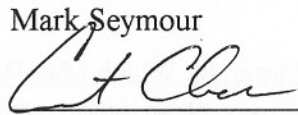
2.7. Private Residential Burning. Private residential burning of clean wood products and paper may occur where the building contains four or fewer dwelling units. Burning shall be in a noncombustible container that is sufficiently vented to induce adequate primary combustion and which has enclosed sides and a bottom.

Section 3. Penalty for Violation. Any person who violates the terms of this Ordinance shall be subject to a penalty of \$50 for each violation of this Ordinance. In addition, any person who violates this Ordinance shall pay any and all reasonable fees assessed by the Hillsboro Fire Department or other agency in extinguishing any fire which violates the terms of this Ordinance.

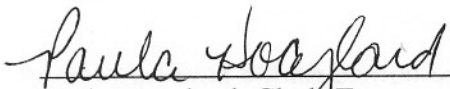
Section 4. Effective Date. This Ordinance shall take effect and be enforced after its passage and publication in accordance with law.

Passed and adopted by the Town Council of the Town of Hillsboro, Indiana, on the 9<sup>th</sup> day of February, 1998.

  
Curt Hoagland, President

Mark Seymour  
  
Curt Chambers

Attest:

  
Paula Hoagland, Clerk-Treasurer

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