

ORDINANCE NO 2007-10

AN ORDINANCE REGULATING OPEN BURNING IN THE TOWN OF LAPAZ

WHEREAS, the burning of leaves, branches and other residential trash has traditionally been tolerated as acceptable means of disposal: in recent years public awareness has greatly increased with regard to the source of pollutants in our environment

WHEREAS, it is quite evident that burning in general, including clean wood products, generates smoke which by its nature contains pollutants and contaminants to the environment that are harmful to human and animal life: and

WHEREAS, said pollutants are a danger to the health, safety, and welfare of all the citizens of the Town of LAPAZ: and

WHEREAS, the health and safety factors far outweigh the traditional tolerance of burning as a means of disposal
NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of LAPAZ is hereby adopted as follows:

1. Open burning is defined as 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.
2. No person shall start, kindle, cause allow, or maintain any form of open burning of any materials on private or public property, except as specifically authorized by this ordinance. No person shall allow the accumulation or existence of combustible material that constitutes or contributes to open burning
3. **EXEMPTIONS:** The following types of burning are allowed:
 - Burning of charcoal, clean untreated wood, and other cooking fuels used in outdoor grilling.
 - Fires used for recreational or ceremonial purposes
 - The local fire department shall be notified 24 hours in advance if the pile to be burned more is more than 125 cubic feet .

Burning shall not be for disposal purposes.

All burning shall comply with other federal, state, and local laws, rules, and ordinances.

1. Enforcement: Any person found in violation of this ordinance shall be subject to the following procedures:
2. The fire, police, shall issue a warning notice to a first-time violator stating that he or she is in violation. The person must then correct the violation by immediately extinguishing the fire. Failure or refusal to immediately extinguish the fire shall result in a citation being issued.
3. Failure or refusal by the violator to immediately extinguish the fire in violation of this ordinance shall also result in the Fire Department having the authority to go upon private property to extinguish said fire.
4. Each subsequent starting, kindling, causing or allowing of a new fire after a warning notice or citation has been issued, shall be considered a separate offense.
5. Liability for Fire: Any person who allows the accumulation or existence of combustible material which constitutes or contributes to open burning may not refute liability for violation of this ordinance on the basis that said fire was set by vandals, an accident, or an act of God.
6. The open burning provisions are enforceable by the duly appointed fire, police with the Town of LaPaz, acting on his/her initiative or at the request of the Council.

This ordinance shall be in full force and effect from and after its passage by the Town Council.

Passed and adopted this 10th day of September, 2007

SIGNATURES Jinda Tyler
Donna Lichtenberger

Roger Eubank
ATTEST, Jane Harris

ORDINANCE 2008-07

AMENDING ORDINANCE NO 2007-10, REGULATING OPEN BURNING IN THE TOWN OF LAPAZ.

IT IS AGREED TO ADD ITEM # 7 TO ORDINANCE 2007 - 10.

A CHARGE OF \$150.00 BY THE NORTH TOWNSHIP, LAPAZ FIRE DEPARTMENT IF THE FIRE DEPARTMENT HAS TO EXTINGUISH SAID FIRE. THIS ACTION IS PER INDIANA CODE 36-8-12-16.

THIS AMENDMENT SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE BY THE TOWN COUNCIL OF LAPAZ .
PASSED AND ADOPTED THIS 10 DAY OF November, 2008.


LORRAINE DOVE, PRESIDENT


ROGER ECKER, COUNCIL MEMBER

DONELLA EMMONS, COUNCIL MEMBER

ATTEST: 
JANE HARRIS, CLERK TREASURER