

ORDINANCE 94-1

AN ORDINANCE OF THE TOWN OF WESTVILLE, LAPORTE COUNTY, INDIANA
ESTABLISHING REGULATIONS FOR OPEN BURNING

WHEREAS, the Town Council of the Town of Westville, LaPorte County, Indiana, is responsible for the health, safety and welfare of the citizens of The Town of Westville; and

WHEREAS, the open burning of materials is detrimental to the air quality of The Town of Westville; and

WHEREAS, the reasonable regulation of open burning is necessary to enhance air quality and protect the health, safety and welfare of the citizens of The Town of Westville; and

WHEREAS, the General Assembly has adopted I.C. 13-1-1.2 and the Indiana Air Pollution Control Board has revised its open burning regulations contained in 326 IAC 4-1-1; and

WHEREAS, the Town Council of The Town of Westville is desirous of establishing local open burning regulations to conform with the aforementioned newly enacted state statute and the rules of the Indiana Air Pollution Control Board.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED as follows:

SECTION 1. No person, firm or corporation shall engage in the open burning of any material in the Town of Westville, LaPorte County, Indiana, except as permitted by this ordinance.

SECTION 2. The following forms of open burning are exempted from the terms and conditions of this ordinance:

- a) Fires celebrating Twelfth Night Ceremonies.
- b) Fires celebrating school pep rallies.

- c) Fires celebrating scouting activities.
- d) Fires used for recreational and cooking purposes (campfires)
- e) Residential burning: where residence contains four or fewer units. Burning shall be in a noncombustible container sufficiently vented to induce adequate primary combustion air with enclosed sides, a bottom, and a mesh covering with openings no larger than one-fourth inch (1/4") square. Burning is prohibited in apartment complexes and mobile home parks.
- f) Farm burning: wood products derived from the following farm maintenance operations:
 - (1) Burning of fence rows and fields or materials derived therefrom.
 - (2) Burning of natural growth derived from clearing a drainage ditch.
 - (3) Burning of limbs and prunings, but only if so diseased or infected as to present a contamination problem.
- g) Waste oil burning: where the waste oil has been collected in a properly constructed and located pit as prescribed in 310 IAC 7-1-37(A) of the Division of Oil and Gas, Department of Natural Resources. Each oil pit may be burned once every two (2) months and all the oil must be completely burned within thirty (30) minutes after ignition.
- h) Department of Natural Resources burning: in order to facilitate "prescribed" burning on DNR controlled properties for wildlife habitat maintenance, forestry purposes, and natural area management.
- i) United States Department of the Interior burning: in order to facilitate a National Park Service Fire Management Plan for the Indiana Dunes National Lakeshore.
- j) Vegetation from a farm, orchard, nursery, tree farm or drainage ditch.
- k) Wood products derived from pruning or cleaning a roadside by a county highway department.
- l) Undesirable wood structures on real property located in an unincorporated area.

- m) When a permit for open burning has been obtained from a municipal corporation, state or federal agency having jurisdiction to issue such permits or when the Westville Town Council has issued a variance to this ordinance.

SECTION 3. All exemptions for open burning shall be subject to the following terms and conditions:

- a) Only wood products shall be burned unless otherwise stated above.
- b) Fires shall be attended at all times until completely extinguished.
- c) If fires create an air pollution problem, a nuisance or a fire hazard, they shall be extinguished.
- d) All residential, farm operation, and waste oil burning shall occur during daylight hours during which the fires may be replenished but only in such manner that nearly all of the burning material is consumed by sunset.
- e) No burning shall be conducted during unfavorable meteorological conditions, including but not limited to, temperature inversions, high winds and periods of air stagnation.
- f) Asbestos containing materials may not be burned.

SECTION 4. The Westville Town Marshall and any other law enforcement agency so designated by the Town Council of The Town of Westville may enforce the terms and conditions of this ordinance through the issuance of an infraction citation. Any person who is convicted of such a citation shall be subject to a fine of not less than \$25.00 and not more than \$250.00 for each separate violation and for the costs and expenses including attorney fees of the enforcement of the provisions of this ordinance.

SECTION 5. This ordinance shall be in full force and effect from and after its adoption and publication as required by law.

PASSED AND ADOPTED by the Town Council of The Town of
Westville, LaPorte County, Indiana this 2nd day of
February, 1994.

TOWN COUNCIL OF
THE TOWN OF WESTVILLE,
LAPORTE COUNTY, INDIANA

Jeff Mays
Councilman

Michael Albert
Councilman

Daniel Bachman
Councilman

Charles Hollensted
Councilman

Regina Furr
Councilman

ATTEST:

Carol Rotzien
Carol Rotzien
Clerk-Treasurer