

STATE OF INDIANA
BEFORE THE TOWN BOARD OF ST. PAUL
ORDINANCE NO. 2016-_____

IN RE: AN ORDINANCE TO)
)
BAN AND/OR LIMIT OPEN BURNING)

WHEREAS, the Town of St. Paul has the authority to propose and adopt ordinances to improve the health and safety of its citizenry, and real property;

WHEREAS, the burning of leaves and other residential rubbish has, in the past, been tolerated as a means of trash disposal;

WHEREAS, the health and safety of the citizenry of the Town of St. Paul far outweigh the traditional tolerance of burning as a means of trash disposal;

NOW, THEREFORE, BE IT ORDAINED by the Board of the Town of St. Paul, State of Indiana, as follows:

1. That no person shall start, kindle, cause, allow, or maintain any form of leaf burning or the burning of trash, rubbish or garbage on private or public property except as specifically authorized by this Ordinance.
2. That the following types of fires are permitted:
 - a. customary burning of logs and other wood products in residential or commercial fireplaces, fire pits, fire bowls, or wood-burning stoves utilized for heating or aesthetic purposes;
 - b. burning of charcoal and other food cooking fuels customarily used in outdoor grills or traditional food cooking devices;
 - c. fires utilized for legitimate ceremonial or recreational purposes;
 - d. fire used for recreational cooking purposes, i.e., campfires; industrial and/or commercial burning through methods specifically and previously approved by the Indiana Department of Environmental Management, or other appropriate state, local, and/or federal regulatory agencies;
 - e. fires utilized by a town designee to dispose of wood refuse at a town-designated burn site;
 - f. any other type of fires whereby a citizen of the Town of St. Paul has obtained a variance from the provisions of this Ordinance by petitioning the Town Board, providing however that the Town Board cannot grant a variance that would otherwise violate the

provisions of 326 Indiana Administrative Code 4-1, et seq. and as amended;

- g. any fire authorized by the Chief or Assistant Chief of the St. Paul Volunteer Fire Department for purposes of fire safety training or fire safety demonstration; and
 - h. any fire authorized on an emergency basis by the President of the Town Board, the Town Marshal, or the Chief or Assistant Chief of the St. Paul Volunteer Fire Department, for which purpose a fire is necessary to preserve or maintain the health and well-being of the citizens of St. Paul.
3. Any person found in violation of this Ordinance shall be subject to the following procedures:
- a. The Town Marshall, his deputies and reserve deputies, an officer of any other responding law enforcement agency, or the Chief or Assistant Chief of the St. Paul Volunteer Fire Department may issue a warning notice to a first-time violator that he or she is in violation. However, in the event that the violation is willful and wanton and creates a substantial risk of harm to person or property, the above noted individuals need not issue such a warning notice and may proceed to issue a citation as in subparagraph (b) below.
 - b. Upon a second or subsequent violation, in the event of non-compliance with a warning notice, or in the event of such a willful and wanton violation as described in subparagraph (a), the Town Marshall, his deputies and reserve deputies, an officer of any other responding law enforcement agency, and the Chief and Assistant Chief of the St. Paul Volunteer Fire Department are authorized to issue a citation to the violator. Citation fees are prescribed as follows:

1st citation: \$50.00 (fifty dollars)

2nd citation: \$100.00 (one hundred dollars)

3rd and subsequent citations: \$250 (two hundred fifty dollars)

In addition to any citation fees noted above, violators may be assessed court costs, reasonable attorney fees, and a Fire Suppression Fee, if applicable under subparagraph (c), not to exceed \$1,500.00 per incident.

- c. Failure or refusal of the violator to immediately extinguish a fire in violation of this Ordinance shall result in the St. Paul

Volunteer Fire Department, or any such other fire department as necessary, to have authority to access the property to extinguish said fire. In the event such action is necessary, the violator may be imposed a Fire Suppression Fee as set forth in subparagraph (b) above.

- d. Each subsequent starting, kindling, causing, or allowing of a new fire after notice has been issued shall be considered a separate offense, subject to a separate citation.
4. This Ordinance shall become effective immediately upon being passed by the Town Board.