

TOWN OF CORYDON, INDIANA
OPEN BURNING REGULATION ORDINANCE

ORDINANCE NO. 2016- 04

AN ORDINANCE CONTROLLING OPEN BURNING WITHIN THE TOWN OF CORYDON AND PROVIDING PENALTIES FOR VIOLATIONS OF SUCH ORDINANCE

WHEREAS, the Town Council is the legislative governing body of the Town of Corydon in the State of Indiana; and,

WHEREAS, in accordance with I.C. 36-1-3-6, a municipality may adopt an ordinance prescribing a specific manner for exercising a power; and,

WHEREAS, open burning can be a dangerous activity with health and public safety concerns; and,

WHEREAS, the burning of waste, including leaves and trash generates smoke by which, in its nature, contains pollutants and contaminants to the environment that are harmful to the health of the citizenry of the Town of Corydon; and,

WHEREAS, the health and safety factors far outweigh the traditional tolerance of burning as a means of trash disposal; and,

WHEREAS, it has been determined that it is in the best interest of public safety that the Town of Corydon adopt some provisions regulating open burning within the Town of Corydon; and,

WHEREAS, it is the duty of the Town Council for the Town of Corydon, Indiana to provide for the public safety of all citizens and visitors of the Town;

NOW THEREFORE BE IT ORDAINED, that the Town Council for the Town of Corydon adopt the following language in regulating open burning within the Town of Corydon:

1. That no person or business shall start, kindle, cause, allow, or maintain any form of leaf burning, wood burning of any kind, or burning of trash, rubbish or garbage, on private or public property, except as specifically authorized by this Ordinance.
2. The following types of fires are permitted:
 - (a) customary burning of logs and other wood products in residential fireplaces;
 - (b) burning of charcoal and other food cooking fuels customarily used in outdoor grills or traditional food cooking devices;
 - (c) fire celebrating Twelfth Night ceremonies;
 - (d) fire celebrating school pep rallies or scouting activities;
 - (e) fire used for recreational cooking purposes.(i.e., campfires)
 - (f) industrial and/or commercial burning through methods specifically and previously approved by the Indiana Department of Environmental Management (IDEM), or other appropriate state, local and/or federal agencies; and any other type of fire whereby a citizen of the Town of Corydon has obtained a variance from the provisions of this Ordinance by petitioning the Town Council, providing, however that the Town Council cannot grant a variance that would otherwise violate any local or state law or regulation.

3. Any person found in violation of this Ordinance shall be subject to the following provisions.

- (a) The Police Department personnel shall issue a written warning notice to a first time violator 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 then being issued.
- (b) Issuance of a citation to the violator shall result in a One Hundred Dollar (\$100.00) fine administered by the Town of Corydon.
- (c) Failure or refusal by the violator to immediately extinguish the fire in violation of this Ordinance shall also result in the local fire departments to have the authority to go upon private property to extinguish said fire. Furthermore, in such instances where such a fire results in damage to property other than the violators, including damage to public property (e.g., asphalt) or results in injury to another person, the imminent threat or damage to other party's property, including public property, that said property is determined to be caused by negligence or the willful disregard of this Ordinance, a fine of the cost expended to send fire suppression personnel or equipment to the location shall be assessed with said fine not to exceed Two Thousand Dollars (\$2,000.00).
- (d) Each subsequent starting, kindling, causing or allowing of a new fire after notice of violation has been issued shall be considered a separate offense.

EFFECTIVE DATE: This Ordinance shall become effective after passage by the Corydon Town Council and publication of this Ordinance as required by law.

ADOPTED by the Town Council for the Town of Corydon, Indiana, this 9th day of May, 2016.

TOWN COUNCIL FOR THE TOWN OF CORYDON, INDIANA

Eva North Eva North, President
Roger Y. McGraw Roger McGraw, Vice President
John D. Kintner John D. Kintner, Member
Mark L. Parks Mark L. Parks, Member
Chris Mattingly Chris Mattingly, Member

ATTEST:
T. M. King T. M. King, Clerk-Treasurer

This Document Prepared By: Christopher L. Byrd, Town of Corydon Attorney