

FILED

APR 04 2016

CITY CLERK

GENERAL ORDINANCE NO. 5, 2016

AN ORDINANCE TO AMEND *TERRE HAUTE CITY CODE* CHAPTER 6,
DIVISION II. SPECIFIC FIRE SAFETY REGULATIONS.

SECTION 1. The *Terre Haute City Code* Chapter 6, is hereby amended by inserting Section 6-54 Open Burning Regulations, as follows:

Sec. 6-54 Open Burning Regulations.

a. It is a violation to kindle or maintain any bonfire or authorize any such bonfire to be started, kindled, caused, allowed or maintained within the City without a permit from the Terre Haute Fire Department. The permit shall be submitted to the Terre Haute Fire Department. The fee for such permit shall be Forty Dollars (\$40.00). Fees collected shall be deposited into a Fire Department Non-Reverting Contractual Firefighting/Emergency Response Services Fund. Such permit shall only be issued if:

1. Bonfire is constructed and maintained for the purpose of a ceremonial fire, school pep rally, scouting activity, or other similar not-for-profit activity;
2. Only clean untreated wood or charcoal shall be used. Paper or petroleum products can be used for ignition purposes only;
3. The fire shall not be ignited more than two (2) hours before the recreational activity is to take place and shall be extinguished upon the conclusion of the activity;
4. The pile to be burned shall be less than one thousand (1,000) cubic feet;
5. Bonfire shall not be constructed within fifty feet (50') of a structure or other combustible material;
6. Bonfire must be controlled and attended by owner or responsible party of the property on which the bonfire is constructed; and
7. The Terre Haute Fire Department shall be notified twenty-four (24) hours prior to scheduled event;
8. A Terre Haute Fire Department engine must be present during the burning.

b. An outdoor fire other than bonfires as explained in subsection (a) is permissible in the following circumstances:

1. The fire shall not be more than three feet (3') in diameter and three feet (3') high;
2. Fire shall consist of dry, seasoned firewood ignited by kindle only. Flammable liquids or accelerants shall not be used to ignite said fire;

3. Prohibited materials include, but are not limited to: rubber, plastic, chemically treated materials, or other materials that produce excessive or noxious smoke. Items that may not be burned include: hazardous materials, demolition debris, metal, building materials, garbage, refuse, waste materials, rubbish, leaves, or any prohibited materials;

4. The burn area is surrounded by a solid stone retention wall no less than one foot (1') in height or the burn area is suspended at least one foot (1') above ground;

5. There must be an area within five feet (5') of the fire's base cleared of combustible materials;

6. The burn area is not within twenty feet (20') of any structure, property line, vehicle or right of way;

7. Fire shall be constantly attended by someone over the age of eighteen (18) with a readily available means of extinguishment;

8. Fire shall be limited to single family and two-family dwellings;

9. Fire shall be located in the rear yard of the principal structure;

10. Sustained winds are below five (5) miles per hour and no drought warning is in effect;

11. Sustained burning does not occur for a period exceeding two (2) hours.

d. If a fire creates an air pollution problem, a nuisance to neighbors, or a fire hazard, it shall be promptly extinguished upon request by any City official.

e. If any governmental entity issues a burn ban, for any reason, no outdoor fires for cooking purposes shall be permitted.

f. Nothing in this Section allows the burning of trash, garbage, refuse, waste materials or substances, and leaves as prohibited by Sec. 6-101.

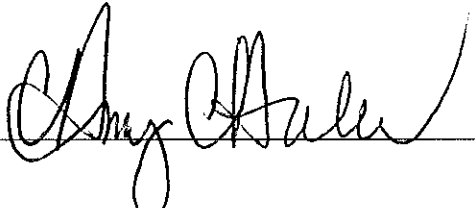
g. It shall be the duty of the Terre Haute Police Department to enforce violations of this Section.

h. For any person violating the provisions of this Section, the penalty for the first offense in any twelve (12) month period shall be as provided by the Ordinance Violation Bureau (See § 1-11 of this *Code*). All subsequent offenses in any twelve (12) month period are subject to enforcement through the judicial system as provided by State statute and local ordinance.

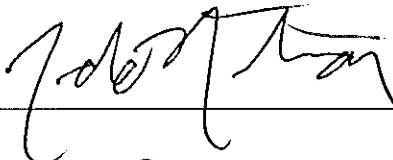
Section 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

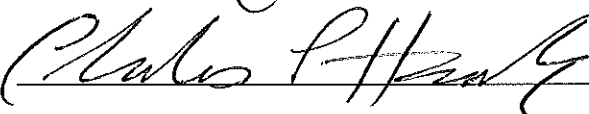
Section 3. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 4. This ordinance shall be in full force and effect from and after its passage by the Common Council of Terre Haute, Indiana and approval of the Mayor and publication as required by law.

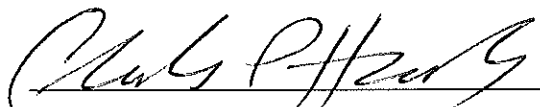
Introduced by:  Amy Auler, Councilman

Passed in open Council this 12th day of May, 2016.

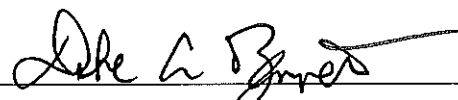
, Todd Nation, President

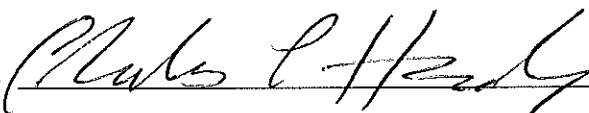
ATTEST:  Charles P. Hanley, City Clerk

Presented by me to the Mayor this 13th day of May, 2016.

 Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 13th day of MAY, 2016.

 Duke A. Bennett, Mayor

ATTEST:  Charles P. Hanley, City Clerk