

Excerpted from City of New Haven Code Book, pages 281-283

§91.04 OPEN BURNING.

(A) Definitions. For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) Approved Container. A device specifically designed for use of burning wood or charcoal, including but not limited to portable fireplaces, fire pits, or chimineas. All portable devices must be equipped with a spark arrestor (i.e. screen or chimney). The container must be sufficiently vented to induce adequate primary combustion. Burning in barrels or drums is no longer permitted.

(2) Barbeque Pit or Grill. A stationary or portable device, with either electric, gas, charcoal, or wood used for the preparation of food.

(3) Enforcement Agency. New Haven Police Department, New Haven Adams Township Fire Department, New Haven City Code Enforcement Department, Allen County Health Department, Allen County Sheriff's Department and Allen County Environmental Management Agency.

(4) Hazardous Condition. A situation where the enforcement agency determines that the fire may be capable of spreading or damaging other property or which is unreasonably offensive to occupants of surrounding property.

(5) Open Burning or Open Fire. Any burning of combustible materials out of doors, excluding burning in a barbeque pit or grill.

(6) Recreational or Camp Fire. A Recreational or Camp Fire shall not exceed a total fuel area of three (3) feet in diameter and may not exceed three (3) feet in height.

(7) Wood Products. Untreated and unpainted lumber or natural wood. Wood products do not include vines, leaves, grass or other plant material.

(8) Permissible Vegetation. Natural vegetation or plant material excluding Wood Products, grass, leaves, poison ivy, poison oak, and poison sumac.

(B) Burning Prohibited. No person, firm, business or other entity shall kindle or maintain any open burning except for burning described in Section (C) below. No burning is permitted in apartment complexes or mobile home parks whatsoever.

(C) Exemptions.

(1) Fires celebrating residential, religious, or public activities which exceed size restrictions of a Residential or Camp Fire may be maintained upon prior approval of the Fire Chief or his designee.

(2) Fires for scouting activities.

(3) Camp fires.

(4) Residential burning in Approved Containers.

(5) Burning expressly permitted by Indiana Statute (I.C. 13-17-9-1)

(6) Residential Barbeque Pits or Grills

(7) Customary burning of logs and other wood products in residential fireplaces and residential auxiliary heating devices

(8) Ceremonial burning of US flags

(9) Burning of non-demolished dwellings by the fire department for the purpose of fire training with approved permits from IDEM

(10) Burning by fire department personnel following a natural disaster, or when there is a health, safety or environmental hazard

(11) Use of an approved Air Curtain Destructor as approved by IDEM.

(D) Restrictions. Otherwise lawful burning is subject to the following restrictions:

- (1) Only Wood Products and Permissible Vegetation shall be burned. All other material is unlawful to burn including, but not limited to, leaves, grass, animal or vegetable solids, semi-solid waste resulting from process like processing, preparation, cooking, serving or consumption of food or food products, petroleum products, rubber products, plastic products, liquid waste, garbage or refuse, construction or demolition debris, wire, insulation, and every other material which is not a Wood Product or Permissible Vegetation as defined by this ordinance.
- (2) Fires shall be attended at all times until extinguished.
- (3) If a fire creates a Hazardous Condition, the fire shall be extinguished.
- (4) No burning shall be conducted during unfavorable conditions such as temperature inversions, high winds, air stagnations and dry conditions.
- (5) Locations of burning must be at least ten (10) feet from any structure and at least ten feet (10) from adjoining property, sidewalk or public right of way or street.

(E) Penalties.

- (1) Any violation of this ordinance is subject to a Fifty Dollar (\$50.00) fine per occurrence plus court costs. If a violation is found to be willful or intentional, the fine may be increased to up to Five Hundred Dollars (\$500.00) per occurrence.
- (2) Each subsequent starting, kindling, causing or allowing of a new fire after notice of violation has been issued shall be considered a separate offense.

(F) Enforcement.

- (1) Enforcement of this Ordinance may be carried out by the New Haven Police Department, New Haven Adams Township Fire Department, New Haven City Code Enforcement Department, Allen County Health Department, Allen County Sheriff's Department and Allen County Environmental Management Agency.

[Ord. G-11-02, passed 9-13-11]