

ORDINANCE NO. 2017-15

AN ORDINANCE REGULATING THE BURNING OF MATERIALS WITHIN
THE CITY OF GARRETT

RECITALS

- A. Garrett City Code Section Title V Section 50.06 provides rules, regulations, definitions and limitations of the burning of paper and the like within the City Limits.
- B. The Common Council has heard complaints from and concerns of citizens of the community regarding fires and the burning of material within the City Limits which are being done contrary to the current code Section 50.06.
- C. The Common Council in consultation with the Chief of Police and the Fire Chief and other City officials believes that it is in the best interests of the community to enact an Ordinance establishing regulations for burning of the materials, and providing definitions of materials, burn barrels, hydronic heaters and related matters.

NOW, THEREFORE, BE IT ORDAINED by the Garrett Common Council as follows:

- 1. **Burning of Waste Materials.** No person or persons shall burn the following types of material within the Corporate Limits of the City but shall instead dispose of the material in a manner which the City has approved and which is appropriate to the material type:
 - 1. Trash, garbage, rubbish, household waste, and/or similar refuse materials.
 - 2. Construction materials including, but not limited to, items such as painted/stained/treated wood, engineered-wood products, siding, shingles, carpet, plastic, rubber or similar materials.
 - 3. Paper, cardboard, and/or similar materials excepting as follows:
 - 1. Small amounts of paper or cardboard products may be used to aid in the ignition of recreational fires; and
 - 2. A reasonable amount of confidential personal paperwork may be burned in a metal, ceramic or similar fireproof container constructed so as to prevent the blowing or dispersal of burning material. All non-residential land uses must dispose of paperwork as provided in subsection 5.
 - 4. Grass, leaves, plant matter, and/or similar materials.
 - 5. Any other waste product which can be disposed of through recycling,

commercial trash removal, compositing, and/or transportation to an approved disposal site such as a regional land fill.

2. **Prohibited Burn Barrels.** Burn barrels made from metal drums and similar materials are prohibited within the City of Garrett.
3. **Recreational Fires.** Recreational and ceremonial fires are allowed within the City Limits subject to the following requirements:
 1. Fires shall comply with all applicable Federal, State and Local regulations or ordinances.
 2. Fires shall only be permitted under favorable environmental conditions. Fires shall be extinguished if unfavorable environmental conditions arise which could cause the fire to spread or otherwise become unsafe.
 3. Fires shall at all times be attended by a person who is a minimum of Sixteen (16) years of age. Appropriate fire extinguishing equipment such as a fire extinguisher, hose, sand, et cetera shall be readily available to those attending the fire.
 4. Fires must be contained within a container (fire ring, fire pit, chiminea, et cetera) made of metal, ceramic or similar fireproof material which prevents the fire from contacting nearby flammable materials. The maximum fire size is limited to a fire no more than three (3') feet in diameter and two (2') feet high.

5. Fires shall be promptly extinguished if they create a hazard, if they discharge fumes or particulate matter of a type which poses a threat to public health, or if they otherwise create a threat to public health or property.
6. Solid fuel sources shall be limited to clean, seasoned, natural wood which has not been treated with paint, stain, preservatives or any other chemicals or which contains artificial resins, glues or similar products. A small amount of paper or cardboard may be used to aid in the ignition of the fuel source.
7. Fires may use non-solid fuel sources such as natural gas or propane as a fuel source when burning in a commercially-produced container designed for such use.
8. Fires shall be located at a safe distance from nearby buildings, vehicles, trees or any other ignition sources. The distance shall be the greater of the distance recommended by the manufacturer of the fire's container and/or a reasonable safe distance based on the size of the fire, type of container, location of the fire relative to the ignition sources, weather conditions, level

of supervision, and availability of fire extinguishing materials.

9. There shall be no time restrictions on recreational fires as permitted by this Ordinance.
10. Fires used for cooking within grills, smokers, and similar products are not subject to the above regulations however they may only use clean wood, charcoal, natural gas, propane or similar fuel sources and the maximum fire size is limited to a fire no more than three (3) feet in diameter and two (2) feet high.

4. **Hydronic Heaters.**

1. Outdoor hydronic heater or heaters means a fuel burning device:
 1. Designed to burn wood or other approved solid fuels;
 2. That the manufacturer specifies for outdoor installation or installation in structures not normally occupied by humans (example garages);
 3. That heats building space and/or water via the distribution, typically through pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture. These are also known as an outdoor wood-fired boiler (OWB), outdoor wood furnace, or outdoor wood-fired hydronic heater (OWHH).
2. The installation, operation and maintenance of hydronic heaters are hereby prohibited.
5. The Chief of Police and the Chief of the Fire Department have principal responsibility in enforcing this Ordinance. Complaints received by the Zoning Administrator or other City officials shall be forwarded to the Chief of Police and the Fire Chief for enforcement.
6. Violations of this Ordinance shall in addition to other enforcement procedures be considered a nuisance as defined in Code Section 90.01 and maybe enforced pursuant to the provisions of the Nuisance Ordinance.
7. Any person violating the provisions of this Ordinance shall be subject to the civil penalties found at Code Section 35.03(A), as currently written and as amended from time to time, with the current civil penalty being Fifty Dollars (\$50.00) per violation.
8. Any and all costs incurred by the City in the enforcement of this Ordinance shall be payable by the person or persons in violation of the Ordinance which costs would include, but are not limited to, attorney's fees, Court costs, costs incurred in the extinguishing or controlling prohibited burning, and other cost incurred in the


enforcement action. If unpaid within Sixty (60) days of the date of the invoice therefor, such costs are declared a lien against the property on which the unlawful burning occurred, which lien shall be filed, proven and collected by certifying the cost of such enforcement action to the appropriate County officials. All violations shall be enforced through the Ordinance Violations Bureau.

9. This Ordinance shall repeal and replace in its entirety the current Code Section 50.06.
10. This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

PASSED AND ADOPTED by the Common Council of the City of Garrett, DeKalb County, Indiana, at their regular meeting on the 20th day of February, 2018.



Dave Demske




Todd Sattison

Amanda Charles




Brad Stump



Tom Kleeman

Presented to me this 20th day of February, 2018, at 7:00 o'clock P.M., and I hereby approved this Ordinance this 20th day of February, 2018.



Todd Fiandt, Mayor
City of Garrett, Indiana

ATTEST:

Marcie L. Conkle
Marcie L. Conkle, Clerk-Treasurer