

ORDINANCE #50-10-09

An Ordinance to Prohibit Burning within the City of Noblesville

Noblesville Code of Ordinances: §92.12 – CONTROLLED BURNING

A. **RESPONSIBILITIES:**

No person within the City shall burn any rubbish, trash, garbage, yard waste, leaves, construction materials, tree limbs, shrubbery trimmings, or dangerous materials at any time within the City limits.

B. **EXCEPTIONS:**

1. **The following types of fires are permitted with prior approval of the Fire Chief, or his designee:**
 - a. Fires used for celebrating Twelfth Night Ceremonies.
 - b. Fires used for celebrating school pep rallies.
 - c. Fires used for celebrating scouting activities.
 - d. Fires used for recreational or cooking purposes.
2. **All exempted fires, including fires for cooking or recreational purposes, shall be subject to the following:**
 - a. Only wood products shall be burned.
 - b. Fires shall be attended at all times—until completely extinguished.
 - c. If fires create an air pollution problem, a nuisance, or a fire hazard, they shall be extinguished.
 - d. No burning shall be conducted during unfavorable meteorological conditions such as temperature inversions, high winds, air stagnation, and the like.
 - e. Burning shall be a minimum of twenty-five feet (25') from any combustible material or any structure.
3. **Burning with prior approval of the Fire Chief, or his designee, may be authorized for the following:**
 - a. Burning of refuse consisting of material resulting from a natural disaster.
 - b. Burning for purposes of fire training.
 - c. Emergency burning of spilled petroleum products when all reasonable efforts to recover the spilled material have been made and failure to burn would result in an imminent fire hazard or water pollution problems.
 - d. Burning of highly-explosive or other dangerous materials for which no alternative method exists or where transportation of such materials is impossible.
 - e. Prescribed burning of native vegetation, i.e., prairie grass, in accordance with the requirements of the Indiana Department of Environmental Management (IDEM) and in accordance with 326 IAC 4.
 - f. Agricultural burning on agricultural properties for maintenance purposes in accordance with 326 IAC 4-1-3.

- g. Old or tattered American Flags, which are not in a condition to provide a fitting emblem for display, shall be destroyed in a dignified manner. Cotton flags may be burned in an appropriate manner by an approved organization in a Flag Burning Ceremony. Approved organizations include Veterans of Foreign Wars (VFW), the American Legion, the Knights of Columbus, the Elk's Lodge, the Boy Scouts of America, and the Girl Scouts of America. The Indiana Department of Environmental Management (IDEM) does not allow the burning of nylon flags in the State of Indiana. The City of Noblesville Fire Department encourages the recycling of all nylon flags.
- h. Due to the unique hazards associated with the methods of burning described in Sub-Paragraph (3) above, the Fire Chief, or his designee, may require additional measures to ensure the public safety including but not limited to:
 - (1) Standby fire personnel.
 - (2) Standby fire apparatus and equipment.
 - (3) Increased minimum separation distances and/or specific burning containers.

The financial costs associated with these additional requirements shall be the responsibility of the petitioner.

C. NON-RESIDENTIAL BURNING:

- 1. **All burning taking place which is non-residential in nature must comply with the following conditions:**
 - a. All burning must meet the guidelines and restrictions of the Indiana Department Environmental Management on incinerator limitations.
 - b. All such burning must utilize a stationary incinerator and shall not take place in any portable incinerator or homemade incinerators unless approved by the Indiana Department of Environmental Management.
 - c. All burning shall take place between the hours of 7:00 A.M. and 7:00 P.M.
 - d. All incinerators in which burning takes place shall be maintained properly as specified by the manufacturer and shall be operated only according to the manufacturer's recommendations.

D. OPEN BURNING PERMITS:

Prior approval from the Fire Chief, or his designee, is required for recreational open burning in the City of Noblesville. Prior approval is further defined in this section as requiring an Open Burn Permit issued by the City of Noblesville Fire Department. The required burn permit shall be kept at the site of the fire during burning operations.

E. SPECIAL EVENTS WITH OPEN FLAMES:

Any community or civic special events that include any type of open flame shall be approved only by the Fire Chief, or his designee. The Fire Chief, or his designee, has the authority to disallow open flames if the Fire Chief, or his designee, finds that the open flame may be detrimental to the safety of bystanders, the community, or emergency responders.