

91.000

BURNING ORDINANCE
ADOPTED: MARCH 10, 1992
AMENDED: SEPTEMBER 14, 1999

This Ordinance ordained to protect the health, safety and welfare of Porter Township residents. All State and County Ordinances that are more prohibitive shall apply and are not affected by this Ordinance.

THE TOWNSHIP OF PORTER ORDAINS:

91.001

Generally. No person shall burn any material except as provided in sections 1, 2, 3, 4, and 5. And,

- (a) Provided fire is not less than 50 feet from any structure, and contained sufficiently to prevent the spread of fire to other areas, and/or within 50 feet of any structure.
- (b) Provided the fire is not larger than 5 feet by 5 feet by 5 feet in dimension.
- (c) Residential burning, and Recreational fires in approved containers, as provided in sections 1 and 2 shall be permitted provided such fire is not less than 15 feet from any structure.
- (d) All fires shall be attended by the Property owner or his/her designee until extinguished. Any open burning that will be offensive or objectionable due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. The Fire Chief shall order the extinguishment, by the property owner, or the Fire Department any burning that creates or adds to a hazardous or objectionable situation. The office of the Fire Chief may from time to time post Burn Bans, Prohibiting ALL normally permitted burning, in order to protect the property, life safety, and environmental quality of the Township and surrounding areas. Such Bans shall be posted prominently at the Porter Fire Station via roadside sign.

91.002

Permitted burning. The following types of fires are permitted.

- (a) Fires used for recreational cooking purpose: i.e. Campfires, in sufficient containment area (i.e.; fire pit, fire ring)
- (b) Other Fires as hereinafter described.
- (c) Recreational fires, residential, and agricultural burning of materials or accumulations of materials larger than 5 feet by 5 feet by 5 feet must have a permit provided for in Section 6.

91.003

Residential burning. Residential burning shall consist of paper and wood products only: i.e.: burning of limbs, prunings and leaves. Paper burning shall be in a non-combustible container sufficiently vented to induce adequate primary combustion air with enclosed sides, a bottom and a mesh covering with openings no larger than one-fourth (1/4) inch square. Recreational fires, residential, and agricultural burning of materials or accumulations of materials larger than 5 feet by 5 feet by 5 feet must have a permit provided for in Section 6.

- 91.004 Agricultural Burning.** Paper and wood products derived from the following farm maintenance operations are permitted.
- (a) Burning of fence rows and fields or materials derived there from.
 - (b) Burning of natural growth derived from clearing a drainage ditch.
 - (c) Burning of limbs and prunings.
 - (d) Recreational fires, residential, and agricultural burning of materials of accumulations of materials larger than 5 feet by 5 feet by 5 feet must have a permit provided for in Section 6.
- 91.005 Commercial burning.** Commercial burning shall be the same as Residential.
- 91.006 Industrial burning.** Industrial burning shall be the same as Residential.
- 91.007 Burn Permits.** Burn permits are required for any burning of materials in excess of quantities provided in this Ordinance.
- (a) Materials or accumulations of materials in excess 5 feet by 5 feet by 5 feet.
 - (b) Structures or portions of structures.
 - (c) Any burning that may be difficult to contain or pose a potential for increasing hazards.
 - (d) Applications for Burn Permits may be obtained from the office of the Fire Chief, or the Township administrative Offices. All applications must be submitted to the Fire Chief at least 5 days prior to requested date. Additional time may be requested for approval if Department of Environmental Quality approval is required. Applications must contain information detailing the material to be burned, date or days desired for the burning, name and signature of the property owner where the burn is to take place, and precise location of the burn. All applications must be approved by the Fire Chief or his designee, and may require a visit to the burn sight.
- 91.008 Penalties.** Any violation of this Ordinance is a misdemeanor and is subject to the enforcement penalties of the Decimalization Ordinance, ordinance number 27, adopted June 9, 1998. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance. This Ordinance shall be enforced by the Ordinance Enforcement Officer. (Amended September 14, 1999)
- 91.009 Repeal.** All Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.
- 91.010 Effective Date.** This Ordinance shall be effective 30 days after legal publication and in accordance with the Act governing the same.

Adopted March 10, 1992 Amended September 14, 1999.